

COMPRESSED COPY

1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE EASTERN DISTRICT OF NORTH CAROLINA
 WESTERN DIVISION
 NO. 5:07-CV-00437-D

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 4 _____
 5 SHARON B. IGLESIAS, :

6 Plaintiff, :

7 vs. :

8 JOHN WOLFORD, Chief of Police of :

9 Oxford, N.C., in his official and :

10 individual capacities; THOMAS MARROW, :

11 City Manager of Oxford, N.C., in his :

12 official and individual capacities; :

13 DON JENKINS, Human Resources Manager :

14 for the City of Oxford, N.C., in his :

15 official and individual capacities; :

16 and the CITY OF OXFORD, N.C., :

17 Defendants. :

18 _____
 19 Wednesday, October 15, 2008

20 Raleigh, North Carolina

21 DEPOSITION of DON JENKINS, a witness

22 herein, called for examination by counsel for

23 Plaintiff in the above-entitled matter, pursuant to

24 notice, the witness being duly sworn by VALERIE

25 SMITH GREEN, Court Reporter and Notary Public in and

COPY

<p style="text-align: right;">2</p> <p>1 for the State of North Carolina, taken at Cranfill, 2 Sumner & Hartzog, LLP, 5420 Wade Park Boulevard, 3 Suite 300, Raleigh, North Carolina, at 9:44 a.m., on 4 Wednesday, October 15, 2008, and the proceedings 5 being taken down by stenotype by VALERIE SMITH GREEN 6 and transcribed under her direction. 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">4</p> <p>1 CONTENTS 2 THE WITNESS EXAMINATION BY COUNSEL FOR 3 DON JENKINS: Plaintiff Defendants 4 By MS. RICE: 7 5 6 7 EXHIBITS 8 EXHIBIT NO. PAGE NO. 9 84 - Chief Wolford's response to 10 investigation 80 11 12 85 - Memo dated 8-30-04 101 13 14 86 - Section 6, 7 & 8 of policy manual 130 15 16 87 - Mr. Jenkins response to plaintiff's 17 first set of requests 151 18 19 ***CONFIDENTIAL*** 20 Beginning Confidential Portion Page 138, Line 8 21 22 Ending Confidential Portion Page 149, Line 4 23 24 25</p>
<p style="text-align: right;">3</p> <p>1 APPEARANCES: 2 On behalf of the Plaintiff: 3 SHELLI HENDERSON RICE, ESQ. 4 CHARLES E. MONTEITH, JR., ESQ. 5 Monteith & Rice, PLLC 6 422 St. Mary's Street, Suite 6 7 Raleigh, North Carolina 27605 8 (919) 821-2053 9 10 On behalf of the Defendants: 11 M. ROBIN DAVIS, ESQ. 12 Cranfill, Sumner & Hartzog, LLP 13 5420 Wade Park Boulevard, Suite 300 14 Raleigh, North Carolina 27607 15 (919) 828-5100 16 17 ALSO PRESENT: 18 Sharon B. Iglesias - Plaintiff 19 Tom Burnette 20 21 22 23 24 25</p>	<p style="text-align: right;">5</p> <p>1 STIPULATIONS 2 It was stipulated by and between counsel 3 representing the respective parties, and the witness, 4 as follows: 5 1. That any defect in the notice of the taking 6 of this deposition, either as to time or place, or 7 otherwise as required by statute is expressly waived, 8 and this deposition shall have the same effect as if 9 formal notice in all respects as required by statute 10 had been given and served upon the counsel in the 11 manner prescribed by law. 12 2. That this deposition shall be taken for the 13 purpose of discovery or for use as evidence in the 14 above-entitled actin, or for both purposes. 15 3. That this deposition is deemed opened and all 16 formalities and requirements with respect to the 17 opening of the same, expressly including notice of 18 the opening of this deposition, are hereby waived, and 19 this deposition shall have the same effect as if all 20 formalities in respect to the opening of the same had 21 been complied with in detail. 22 4. That the undersigned, Valerie Smith Green, 23 Court Reporter and Notary Public in and for the State 24 of North Carolina, is duly qualified and constituted to 25 take this deposition.</p>

<p style="text-align: right;">6</p> <p>1 5. Objections to questions, except as to the</p> <p>2 form thereof, and motions to strike answers need not</p> <p>3 be made during the taking of this deposition, but may</p> <p>4 be reserved until any pretrial hearing held before any</p> <p>5 judge of any court of competent jurisdiction for the</p> <p>6 purpose of ruling thereon, or at any other hearing or</p> <p>7 trial of said case at which said deposition might be</p> <p>8 used, except that an objection as to the form of a</p> <p>9 question must be made at the time such a question is</p> <p>10 asked or objection is waived as to the form of the</p> <p>11 question.</p> <p>12 6. That the witness will reserve the reading and</p> <p>13 signing of the transcript to the deposition.</p> <p>14 7. That the Federal Rules of Civil Procedure</p> <p>15 shall control concerning the use of the deposition in</p> <p>16 court.</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">8</p> <p>1 questions and I expect you to provide complete</p> <p>2 answers and truthful answers?</p> <p>3 A I do.</p> <p>4 Q And if you don't understand any</p> <p>5 question I ask, which it is very likely over the</p> <p>6 course of the day because I'm sure that I'll</p> <p>7 phrase some very poorly, please just let me know</p> <p>8 and I'll do my best to rephrase the question in</p> <p>9 such a way that you can understand it.</p> <p>10 First of all, have you -- are you on</p> <p>11 any medication today that might affect your</p> <p>12 ability to tell the truth?</p> <p>13 A No.</p> <p>14 Q And also when I ask -- at any point in</p> <p>15 time you want to take a break or need a break</p> <p>16 please just speak up and we'll do it.</p> <p>17 A (Witness indicating.)</p> <p>18 Q Exactly. Exactly.</p> <p>19 A Okay.</p> <p>20 Q And if you could also try as much as</p> <p>21 possible to avoid any sort of nodding or nonverbal</p> <p>22 responses as the court reporter will need to get</p> <p>23 those in the record.</p> <p>24 A I understand.</p> <p>25 Q So if you could answer it I would</p>
<p style="text-align: right;">7</p> <p>1 PROCEEDINGS</p> <p>2 Whereupon,</p> <p>3 DON JENKINS,</p> <p>4 was called as a witness by counsel for the Plaintiff,</p> <p>5 and having been duly sworn by the Notary Public, was</p> <p>6 examined and testified as follows:</p> <p>7 EXAMINATION BY COUNSEL FOR PLAINTIFF</p> <p>8 BY MS. RICE:</p> <p>9 Q Good morning, Mr. Jenkins.</p> <p>10 A Good morning.</p> <p>11 Q We've already spoken off the record.</p> <p>12 To reintroduce ourselves, and you've met my</p> <p>13 co-counsel Chuck Monteith, I believe?</p> <p>14 A Uh-huh.</p> <p>15 Q How are you doing today?</p> <p>16 A Doing good.</p> <p>17 Q Good.</p> <p>18 Have you been deposed before, sir?</p> <p>19 A No.</p> <p>20 Q Have you ever witnessed a deposition?</p> <p>21 A No.</p> <p>22 Q Are you familiar with -- with how a</p> <p>23 deposition -- what it is to be deposed?</p> <p>24 A Yes.</p> <p>25 Q You understand I'm going to ask you</p>	<p style="text-align: right;">9</p> <p>1 appreciate it. Thank you.</p> <p>2 Just a few questions first about your</p> <p>3 employment prior to coming to the City of Oxford.</p> <p>4 And actually I'd like to start with</p> <p>5 your education. What's your educational</p> <p>6 background, sir?</p> <p>7 A Four years undergraduate, two years</p> <p>8 graduate school.</p> <p>9 Q And where were your four years</p> <p>10 undergraduate?</p> <p>11 A High Point University.</p> <p>12 Q And graduate school?</p> <p>13 A Duke.</p> <p>14 Q And what was your graduate school</p> <p>15 study -- course of study?</p> <p>16 A Theology.</p> <p>17 Q Were you at Duke Divinity School?</p> <p>18 A Yes.</p> <p>19 MS. DAVIS: We've forgiven him for</p> <p>20 that.</p> <p>21 Q And did you complete the theology</p> <p>22 program at Duke Divinity?</p> <p>23 A No, third-thirds.</p> <p>24 Q Two-thirds?</p> <p>25 A Uh-huh.</p>

<p style="text-align: right;">10</p> <p>1 Q Okay. And when did you complete 2 that -- those two-thirds? 3 A '67. 4 Q And did you go to work following your 5 study at Duke Divinity? 6 A Uh-huh. 7 Q Where was that? 8 A Camp Winauke in Winnepesaukee, New 9 Hampshire. 10 Q Camp Winauke? 11 A Uh-huh. 12 Q And what was Camp Winauke? 13 A It was a Jewish youth camp, sports 14 camp. 15 Q What was your job there? 16 A Coached baseball. 17 Q How long were you employed? 18 A Two months. 19 Q Two months? 20 A Summer job. 21 Q And what did you do following your 22 employment at Camp Winauke? 23 A Burlington Industries. 24 Q And what was your job at Burlington 25 Industries?</p>	<p style="text-align: right;">12</p> <p>1 assigned a plant. 2 Q You were assigned to? 3 A I was manufacturing manager of two 4 plants after that. About 1100 people if that 5 matters. 6 Q That's a lot of employees. 1100? 7 A Yeah. 8 Q And how long did you hold the position 9 of manufacturing manager? 10 A That job was three years. 11 Q And following that position? 12 A Transferred to the Granville plant in 13 Oxford. 14 Q That was still with Burlington 15 Industries? 16 A Still with Burlington, manufacturing 17 manager. 18 Q How many employees were there at the 19 Granville plant? 20 A At its peak probably about 750. 21 Q And how long were you manufacturing 22 manager of the Granville plant? 23 A Three years. 24 Q And following that position? 25 A Clarksville Finishing Plant in</p>
<p style="text-align: right;">11</p> <p>1 A Several jobs to include human resources 2 and manufacturing management and product 3 development. 4 Q What were the order of those positions? 5 What position did you hold first? 6 A Manufacturing management. 7 Q How long were you in that position? 8 A A year. 9 Q And what position did you hold next? 10 A Superintendent of the plant. 11 Q And how long did you hold the position 12 of superintendent of the plant? 13 A Two -- about two years. 14 Q And following your position as 15 superintendent? 16 A Transferred to division staff. 17 Q To division staff? 18 A Uh-huh. 19 Q Was that a position title? 20 A I was assigned to the division staff. 21 I was kind of in a holding pattern. There was a 22 lot of turmoil in the company. 23 Q What did you do after your transfer 24 into the division staff? 25 A In about another two months I was</p>	<p style="text-align: right;">13</p> <p>1 Clarksville, Virginia. 2 (Interruption by the reporter.) 3 A Clarksville, C-l-a-r-k-s-v-i-l-l-e. 4 Q Finishing. 5 How long were you in Clarksville? 6 A Thirteen plus years. 7 Q Were you manufacturing manager at the 8 finishing plant? 9 A I did several things. I did 10 manufacturing management and product development. 11 Q And following your 13 plus years at 12 Clarksville what was your next position? 13 A I was plant manager of Premier 14 Quilting. 15 Q Was that still with Burlington 16 Industries? 17 A No, I left Burlington after about 20 18 some years. 19 Q So did you have any human resources 20 role while at Burlington? 21 A Just the one year that I mentioned 22 first. 23 Q The -- in the very beginning of your 24 employment? 25 A That's true.</p>

<p style="text-align: right;">14</p> <p>1 Q Okay. And Premier Quilting, I'm sorry, 2 what was your position again? 3 A Plant manager. 4 Q How long did you hold that position? 5 A A year. 6 Q And where was that -- 7 A Oxford. 8 Q -- what location? 9 A Uh-huh. 10 Q Are you from Oxford? 11 A No. 12 Q Where were you born? 13 A Where was I born? 14 Q Yes, sir. 15 A In Raleigh. 16 Q And what brought you back to Oxford or 17 what brought you back to North Carolina? Was it 18 the job? 19 A Well, I still was living in North 20 Carolina and I was recruited from Burlington to 21 run this plant in Oxford. 22 Q Okay. And what year was that that you 23 went to work for -- 24 A Eighty-six-ish. 25 Q You said there -- you were there for a</p>	<p style="text-align: right;">16</p> <p>1 Q What was the name of your franchise? 2 A Management Recruiters International. 3 Q Did you have any employees? 4 A Yes. 5 Q How many? 6 A Three. 7 Q And how long did you operate Management 8 Recruiters International? 9 A Just under a year. 10 Q And why was that? Why did it function 11 for just under a year? 12 A I'm sorry? 13 Q Why was it that it was just under a 14 year that you operated Management Recruiters 15 International? 16 A Found out that I did not want to do 17 that. It was not fun. Telephone marketing was 18 not fun. 19 Q Is that what it was primarily? 20 A Uh-huh. 21 Q Okay. And so what did you do following 22 Management Recruiters International? 23 A Well, while I was there I placed myself 24 at Granville Medical Center. 25 Q Okay. And in what role or what</p>
<p style="text-align: right;">15</p> <p>1 year? 2 A Uh-huh. 3 Q And what did you do after the -- your 4 job at Premier Quilting? 5 A I was plant manager of Barn Door 6 Furniture Company. 7 Q Barn Door? 8 A Uh-huh. 9 Q Where is Barn Door Furniture Company 10 at? 11 A Henderson. 12 Q What was your job with them? 13 A Plant manager. 14 Q And how long were you plant manager for 15 Barn Door Furniture? 16 A Three years. 17 Q That would be around 1990 -- 18 A Yeah. 19 Q -- your employment with Barn Door? 20 And what did you do following your 21 employment with Barn Door Furniture? 22 A Opened up a management recruiting 23 business. 24 Q You yourself opened it up? 25 A My own franchise, yes.</p>	<p style="text-align: right;">17</p> <p>1 position? 2 A Human resources director. 3 Q What peaked your interest in human 4 resources? 5 A Kind of what I was probably born to do. 6 Q Why do you say that? 7 A Because it's true. 8 Q Why do you feel that way? 9 A I think my skills and education lent 10 itself to that and my interest certainly did. 11 Q At Granville Medical Center how many -- 12 how many employees were employed at Granville 13 Medical Center? 14 A Two hundred thirty-five. 15 Q And what did you do in your position as 16 human resources director? What would a typical 17 day be if there is such a thing as a typical day? 18 A Well, I was responsible for recruiting 19 in a pretty tough market with nurses and 20 therapists. We also had volunteers and marketing 21 under our purview. 22 Q And how long were you employed with 23 Granville Medical Center? 24 A About seven-and-a-half years. 25 Q Always in a position of human resources</p>

<p style="text-align: right;">18</p> <p>1 director?</p> <p>2 A Yeah.</p> <p>3 Q Were you supervised by -- who was your</p> <p>4 supervisor at Granville Medical Center?</p> <p>5 A Chief executive officer.</p> <p>6 Q Was there only one CEO at the time you</p> <p>7 were employed or multiple?</p> <p>8 A No, there were -- there was three.</p> <p>9 Q Do you recall their names?</p> <p>10 A Uh-huh.</p> <p>11 Q And what were they?</p> <p>12 A Chuck Owens, Andy Mannich,</p> <p>13 M-a-n-n-i-c-h. I'm not recalling the third one</p> <p>14 right now. Joe something. Pretty forgettable.</p> <p>15 Q Was the one that you can't remember the</p> <p>16 last name for was he the last one that you worked</p> <p>17 for --</p> <p>18 A Uh-huh.</p> <p>19 Q -- in that order?</p> <p>20 A True.</p> <p>21 Q You said you were there for about</p> <p>22 seven-and-a-half years?</p> <p>23 A Yes.</p> <p>24 Q How was it that you came to be</p> <p>25 separated from your employment with Granville</p>	<p style="text-align: right;">20</p> <p>1 A So it must have been -- it would have</p> <p>2 been '89.</p> <p>3 Q '99 perhaps?</p> <p>4 A '99. Just before the famous Y2.</p> <p>5 Q Were you hired as the human resources</p> <p>6 director for the City of Oxford?</p> <p>7 A I was.</p> <p>8 Q And how did you learn of that position?</p> <p>9 A In the newspaper.</p> <p>10 Q An advertisement in the newspaper?</p> <p>11 A And phone calls, uh-huh.</p> <p>12 Q Had you been looking for work with the</p> <p>13 City of Oxford?</p> <p>14 A No.</p> <p>15 Q Why were you interested in that</p> <p>16 position?</p> <p>17 A As many as five city commissioners</p> <p>18 asked me to apply.</p> <p>19 Q Five of the then city commissioners?</p> <p>20 A Five of the existing city commissioners</p> <p>21 asked me if I would become a candidate.</p> <p>22 Q Which five?</p> <p>23 A You want their names?</p> <p>24 Q Yes, sir.</p> <p>25 A Jack Carey, Clement Yancey, Sam Currin,</p>
<p style="text-align: right;">19</p> <p>1 Medical Center?</p> <p>2 A I retired.</p> <p>3 Q And how long were you retired for?</p> <p>4 A About ten months.</p> <p>5 Q Following your retirement where did you</p> <p>6 go?</p> <p>7 A Well, that's not quite true. Just --</p> <p>8 just after I retired I took a job as manager of a</p> <p>9 durable medical equipment store.</p> <p>10 Q Did you say durable medical equipment?</p> <p>11 A Durable medical equipment.</p> <p>12 Q Did you work there full time?</p> <p>13 A I worked full time for about a year.</p> <p>14 Q Is that in Oxford?</p> <p>15 A Yes, and Henderson.</p> <p>16 Q And following that year where were you</p> <p>17 employed?</p> <p>18 A With the city.</p> <p>19 Q The City of Oxford?</p> <p>20 A Uh-huh.</p> <p>21 Q And my math is very poor. What -- what</p> <p>22 year would that -- would we be at?</p> <p>23 A Ninety-ish. Yeah, I'm there nine years</p> <p>24 this month.</p> <p>25 Q Okay.</p>	<p style="text-align: right;">21</p> <p>1 Paul Kiesow, K-i-e-s-o-w.</p> <p>2 And what is Mr. Murfree's name?</p> <p>3 MR. BURNETTE: I.W.</p> <p>4 A I.W. Murfree.</p> <p>5 Q So each of these five asked you</p> <p>6 separately to apply for the position?</p> <p>7 A They did.</p> <p>8 Q And apparently you agreed to do so?</p> <p>9 A I agreed to become a candidate.</p> <p>10 Q Who -- who hired you?</p> <p>11 A Tommy Marrow.</p> <p>12 Q Did you interview with Mr. Marrow?</p> <p>13 A I did.</p> <p>14 Q Did you interview with anyone else with</p> <p>15 the city?</p> <p>16 A Yes.</p> <p>17 Q Who else?</p> <p>18 A The assessment team.</p> <p>19 Q Do you recall who was on that</p> <p>20 assessment team?</p> <p>21 A I can remember some of the names.</p> <p>22 Hartwell Wright, Deseree White, Becky Veazey and,</p> <p>23 I think, that's all I remember.</p> <p>24 Q Was this assessment team to the best of</p> <p>25 your knowledge was it assembled from employees</p>

<p style="text-align: right;">22</p> <p>1 throughout the departments within the city?</p> <p>2 A No, those were HR directors in other</p> <p>3 towns and one of them was a consultant. Ms.</p> <p>4 Veazey was employed as a consultant to consummate</p> <p>5 the search.</p> <p>6 Q Was it Mr. Marrow who offered you the</p> <p>7 position?</p> <p>8 A It was.</p> <p>9 Q And do you recall what month you began?</p> <p>10 A October.</p> <p>11 Q October. So this is your anniversary</p> <p>12 month?</p> <p>13 A Monday if you want to send a card.</p> <p>14 Q Okay. I'll remember that.</p> <p>15 Did you have any employees working</p> <p>16 directly under you in that position as --</p> <p>17 A No.</p> <p>18 Q -- human resources director?</p> <p>19 Do you now?</p> <p>20 A No.</p> <p>21 Q Where was your office physically</p> <p>22 located in 1999 when you went to work for the City</p> <p>23 of Oxford?</p> <p>24 A In city hall, second floor.</p> <p>25 Q Is it still in city hall?</p>	<p style="text-align: right;">24</p> <p>1 Q Which positions were open?</p> <p>2 A City engineer, director of waste</p> <p>3 water -- director of water distribution and</p> <p>4 collection, and very shortly thereafter police</p> <p>5 chief.</p> <p>6 Q When was it the police chief position</p> <p>7 came open for recruitment?</p> <p>8 A That would have been probably -- let me</p> <p>9 just guess and tell you I'm guessing about January</p> <p>10 of 2000.</p> <p>11 Q As human resources director would you</p> <p>12 advertise positions --</p> <p>13 A Yes.</p> <p>14 Q -- as far as recruitment?</p> <p>15 And how did you advertise the position</p> <p>16 of police chief?</p> <p>17 A In national periodicals.</p> <p>18 Q What periodicals?</p> <p>19 A First of all, Employment Security</p> <p>20 Commission, the North Carolina League of</p> <p>21 Municipalities news letter which is picked up by</p> <p>22 the National League of Cities and its very broad</p> <p>23 distribution.</p> <p>24 Q Any other periodicals?</p> <p>25 A Not that I recall. All the local</p>
<p style="text-align: right;">23</p> <p>1 A Uh-huh.</p> <p>2 Q Was Mr. Marrow located in city hall as</p> <p>3 well, his office?</p> <p>4 A Yes.</p> <p>5 Q Was he on the second floor as well?</p> <p>6 A Yes.</p> <p>7 Q So you're fairly close proximity?</p> <p>8 A Yes, across the hall.</p> <p>9 Q What were your primary job</p> <p>10 responsibilities when you came to the position of</p> <p>11 human resources director for the City of Oxford in</p> <p>12 1999?</p> <p>13 A Typical human resources</p> <p>14 responsibilities of recruiting and employee</p> <p>15 benefits.</p> <p>16 Q Were there a lot of job openings at the</p> <p>17 time in the City of Oxford?</p> <p>18 A There were not a lot, no.</p> <p>19 Q How would you say your time was divided</p> <p>20 between recruiting and -- and administrating</p> <p>21 employee benefits?</p> <p>22 A Early on or now?</p> <p>23 Q Early on.</p> <p>24 A Heavily recruiting. There were high</p> <p>25 level director positions open.</p>	<p style="text-align: right;">25</p> <p>1 newspapers of course.</p> <p>2 Q Was the local newspapers -- what do you</p> <p>3 consider to be the local newspapers?</p> <p>4 A The Oxford Ledger, the Henderson</p> <p>5 Dispatch, the Butner-Creedmoor News, the Raleigh</p> <p>6 News & Observer, and the Durham Herald.</p> <p>7 Q Do you routinely advertise in the -- in</p> <p>8 all of those newspapers for job openings?</p> <p>9 A Director level, yes, and more.</p> <p>10 Q Director level and some other</p> <p>11 positions?</p> <p>12 A Director level and higher, notably city</p> <p>13 manager.</p> <p>14 Q And you mentioned a couple of other</p> <p>15 positions. The city engineer you recruited for</p> <p>16 that position early on during your employment?</p> <p>17 A (The witness nodded head up and down.)</p> <p>18 Q Do you recall when that position was</p> <p>19 filled?</p> <p>20 A Not exactly. I could guess. Late</p> <p>21 in -- late in the October quarter, quarter ending</p> <p>22 December.</p> <p>23 Q Okay. Of 1999?</p> <p>24 A Yes.</p> <p>25 Q And the director of water distribution?</p>

<p style="text-align: right;">26</p> <p>1 A In the same quarter.</p> <p>2 Q And back to the police chief position.</p> <p>3 Do you recall how many applicants you received or</p> <p>4 how many applications you received for that</p> <p>5 position?</p> <p>6 A No.</p> <p>7 Q Was it more than five?</p> <p>8 A Yes.</p> <p>9 Q More than ten?</p> <p>10 A Yes.</p> <p>11 Q More than 15?</p> <p>12 A More than 70.</p> <p>13 Q More than 70?</p> <p>14 A (The witness nodded head up and down.)</p> <p>15 Q And did you have an assessment team at</p> <p>16 the time to assist in that hiring?</p> <p>17 A Yes.</p> <p>18 Q Was it -- was it --</p> <p>19 (Interruption.)</p> <p>20 BY MS. RICE:</p> <p>21 Q Sorry about that.</p> <p>22 I believe my last question was</p> <p>23 regarding the assessment team. How is that</p> <p>24 assembled for the selection of police chief?</p> <p>25 A The Institute of Government in Chapel</p>	<p style="text-align: right;">28</p> <p>1 A Yes. Well, after candidates were pared</p> <p>2 down.</p> <p>3 Q Who did the initial paring down of</p> <p>4 candidates for that position?</p> <p>5 A The city manager and I.</p> <p>6 Q Just the two of you?</p> <p>7 A Yes.</p> <p>8 Q And how was it you pared down those</p> <p>9 applications?</p> <p>10 A We set up a grid of our requirements.</p> <p>11 Q What were those requirements?</p> <p>12 A Yikes. Experience as a police chief,</p> <p>13 four-year college degree, certain leadership</p> <p>14 skills that we were looking at to include good</p> <p>15 human relation skills, interpersonal confidencies,</p> <p>16 those kinds of things. Gosh, it goes on and on.</p> <p>17 Q How were you able to determine the</p> <p>18 leadership skills or human resources skills from</p> <p>19 looking at the initial applications?</p> <p>20 A Largely how long they've been there.</p> <p>21 Q How long they've been at their current</p> <p>22 position --</p> <p>23 A Uh-huh.</p> <p>24 Q -- they hold?</p> <p>25 A And we did some -- some reference</p>
<p style="text-align: right;">27</p> <p>1 Hill has a very nice methodology for doing that</p> <p>2 that involves other police chiefs and community</p> <p>3 leaders in Oxford.</p> <p>4 Q So someone from the Institute of</p> <p>5 Government helped you assemble the assessment</p> <p>6 team; is that --</p> <p>7 A They gave me --</p> <p>8 Q -- accurate?</p> <p>9 A -- the procedure. I assembled it.</p> <p>10 Q You selected the individuals to</p> <p>11 participate?</p> <p>12 A Yes.</p> <p>13 Q And who were those individuals?</p> <p>14 MS. DAVIS: Are we talking about</p> <p>15 the assessment team; is that correct?</p> <p>16 MS. RICE: Yes, ma'am.</p> <p>17 MS. DAVIS: Okay.</p> <p>18 A Rick Jarvees retired now police chief</p> <p>19 of Chapel Hill, the chief from Pinehurst whose</p> <p>20 name alludes me, the chief from Smithfield and</p> <p>21 from New Bern. Palermo is his name.</p> <p>22 Q Anyone other than police chiefs as</p> <p>23 members of that assessment team?</p> <p>24 A Not at that stage.</p> <p>25 Q Was this an initial stage?</p>	<p style="text-align: right;">29</p> <p>1 checks prior to bringing them in.</p> <p>2 Q You and Mr. Marrow did those</p> <p>3 personally?</p> <p>4 A I did them all at that point.</p> <p>5 Q And when you say reference checks did</p> <p>6 you call the people that were listed as</p> <p>7 references?</p> <p>8 A And others.</p> <p>9 Q And others?</p> <p>10 A Uh-huh.</p> <p>11 Q So there are occasions when you called</p> <p>12 people who weren't provided as references?</p> <p>13 A Yes.</p> <p>14 Q How did you determine who you would</p> <p>15 call for reference checks?</p> <p>16 A Small world.</p> <p>17 Q Small world?</p> <p>18 A Yeah. Networking.</p> <p>19 Q Did you make calls outside the state of</p> <p>20 North Carolina?</p> <p>21 A Yes.</p> <p>22 Q Where did you call outside the state of</p> <p>23 North Carolina?</p> <p>24 A I don't remember the state. It's in</p> <p>25 the northwestern sector. I'm sorry, I can't</p>

<p style="text-align: right;">30</p> <p>1 remember exactly what that state is.</p> <p>2 Q Just one state though outside of North</p> <p>3 Carolina?</p> <p>4 A That's true.</p> <p>5 Q How many applicants did you and Mr.</p> <p>6 Marrow initially weed out in your initial review</p> <p>7 of the applications?</p> <p>8 A About seven or eight.</p> <p>9 Q You just weeded out seven or eight or</p> <p>10 there was seven or eight --</p> <p>11 A We narrowed it.</p> <p>12 Q You narrowed it down to seven or eight?</p> <p>13 A Uh-huh.</p> <p>14 Q Okay.</p> <p>15 MS. DAVIS: And if I can, I don't</p> <p>16 know where we're going with this, but under</p> <p>17 the general statutes if we're getting to the</p> <p>18 names of the applicants those would be</p> <p>19 confidential. If we're not going to go there</p> <p>20 then --</p> <p>21 MS. RICE: I'm not going to go</p> <p>22 there right now.</p> <p>23 MS. DAVIS: All right.</p> <p>24 BY MS. RICE:</p> <p>25 Q So seven or eight were left after you</p>	<p style="text-align: right;">32</p> <p>1 A Tommy Marrow and me.</p> <p>2 Q Did anyone have a third interview?</p> <p>3 A No.</p> <p>4 Q So this selection was made based on</p> <p>5 that second round interview or following that</p> <p>6 second round interview I should say?</p> <p>7 A Yes.</p> <p>8 Q Was there -- was an offer of employment</p> <p>9 made to only one individual as a result of that</p> <p>10 interview?</p> <p>11 MS. DAVIS: As long as we're not</p> <p>12 talking about the names, I think, we're fine.</p> <p>13 A No.</p> <p>14 Q So there was more than one offer?</p> <p>15 A There was more than one offer.</p> <p>16 Q Were there more than two offers?</p> <p>17 A No.</p> <p>18 Q Was the initial offer made not accepted</p> <p>19 by the individual to whom the offer was made?</p> <p>20 A Yes.</p> <p>21 Q And was the second offer accepted?</p> <p>22 A Yes.</p> <p>23 Q Did you personally extend the offer of</p> <p>24 employment?</p> <p>25 A I did.</p>
<p style="text-align: right;">31</p> <p>1 and Mr. Marrow reviewed the applications?</p> <p>2 A Yes.</p> <p>3 Q And did you interview all seven or</p> <p>4 eight of those?</p> <p>5 A No.</p> <p>6 Q How many did you interview?</p> <p>7 A Five.</p> <p>8 Q Was there just one interview of each of</p> <p>9 those five?</p> <p>10 A No.</p> <p>11 Q Did some have more than one interview?</p> <p>12 A Yes.</p> <p>13 Q How many had more than one interview?</p> <p>14 A Three.</p> <p>15 Q At what point was the assessment team</p> <p>16 brought in to assess the candidates?</p> <p>17 A When it was narrowed down to five.</p> <p>18 Q So they were present for the five</p> <p>19 interviews?</p> <p>20 A Yes.</p> <p>21 Q Was the assessment team also</p> <p>22 participating at the second level round of</p> <p>23 interviews?</p> <p>24 A No.</p> <p>25 Q Who conducted those interviews?</p>	<p style="text-align: right;">33</p> <p>1 Q And when did this successful candidate</p> <p>2 begin his employment with the City of Oxford?</p> <p>3 A Whatever dates are in your records is</p> <p>4 the correct date. I don't remember that date.</p> <p>5 Q Was it shortly following the time that</p> <p>6 you extended your offer of employment?</p> <p>7 A Yes.</p> <p>8 Q Within a month?</p> <p>9 A Within a month.</p> <p>10 Q And did Mr. Marrow approve the</p> <p>11 selection of the candidate?</p> <p>12 A Yes.</p> <p>13 Q Would he have had to as city manager?</p> <p>14 A Oh, yeah, very much so.</p> <p>15 Q How do you know John Welford?</p> <p>16 A How do I know him?</p> <p>17 Q Yes, sir.</p> <p>18 When did you meet him?</p> <p>19 A First over the telephone.</p> <p>20 Q Is this while you were employed with</p> <p>21 the City of Oxford?</p> <p>22 A Yes, during the recruitment process.</p> <p>23 Q So you first spoke with him on the</p> <p>24 telephone?</p> <p>25 A (The witness nodded head up and down.)</p>

<p style="text-align: right;">34</p> <p>1 Q Did he call you or did you call him?</p> <p>2 A I called him.</p> <p>3 Q Why did you call him?</p> <p>4 A To follow up on the recruiting process.</p> <p>5 Q When did you first meet him personally</p> <p>6 in person?</p> <p>7 A At -- at his interview.</p> <p>8 Q His first interview?</p> <p>9 A Yes.</p> <p>10 Q Did he have a second interview?</p> <p>11 A I'm uncertain. Certainly by phone if</p> <p>12 not by -- in person.</p> <p>13 Q Had you heard of Chief Wolford prior to</p> <p>14 his application for the chief of police</p> <p>15 position --</p> <p>16 A No.</p> <p>17 Q -- with the City of Oxford?</p> <p>18 Do you know if Mr. Marrow had met Chief</p> <p>19 Wolford prior to his selection as the --</p> <p>20 A He had not.</p> <p>21 Q You know he had not?</p> <p>22 A Yes.</p> <p>23 Q Okay. So your only knowledge of Mr.</p> <p>24 Wolford was based on his application for the</p> <p>25 position and the interview process?</p>	<p style="text-align: right;">36</p> <p>1 A Yeah, called Johnson.</p> <p>2 Q Are they in -- is that in Oxford?</p> <p>3 A No.</p> <p>4 Q Where is Johnson Detective Agency</p> <p>5 located?</p> <p>6 A Somewhere in the Raleigh area.</p> <p>7 Q Have you used Johnson Detective Agency</p> <p>8 for other background checks?</p> <p>9 A No.</p> <p>10 Q And I'm sorry, I wasn't very specific.</p> <p>11 Had you used them before Chief Wolford's --</p> <p>12 A No.</p> <p>13 Q Okay. And have you used them since</p> <p>14 for --</p> <p>15 A Not for background checks.</p> <p>16 Q Have you used them for other services?</p> <p>17 A Yes.</p> <p>18 Q What other services have you used</p> <p>19 Johnson Detective Agency for?</p> <p>20 A A personnel matter.</p> <p>21 Q A personnel matter within the City of</p> <p>22 Oxford?</p> <p>23 A Yes.</p> <p>24 Q Was that for a background check or --</p> <p>25 A No.</p>
<p style="text-align: right;">35</p> <p>1 A And references.</p> <p>2 Q Okay. Did you personally contact</p> <p>3 Mr. Wolford's references?</p> <p>4 A I did.</p> <p>5 Q Do you recall how many individuals you</p> <p>6 contacted as references for Mr. Wolford?</p> <p>7 A No.</p> <p>8 Q Was it more than one?</p> <p>9 A It was several.</p> <p>10 Q More than five?</p> <p>11 A Yes. Less than ten.</p> <p>12 Q Did you contact Chief Wolford's former</p> <p>13 employers as references?</p> <p>14 A I or another consultant did.</p> <p>15 Q Another consultant being somebody that</p> <p>16 was on the assessment team?</p> <p>17 A No.</p> <p>18 Q Okay. Who would the other consultant</p> <p>19 be?</p> <p>20 A We employed a -- an agency whose job is</p> <p>21 to do background checks.</p> <p>22 Q What agency did you employ?</p> <p>23 A Johnson Detective Agency.</p> <p>24 That sound right, Tom?</p> <p>25 Q Johnson Detective Agency?</p>	<p style="text-align: right;">37</p> <p>1 Q What other service were you employing</p> <p>2 Johnson Detective Agency for?</p> <p>3 A That's a personnel matter.</p> <p>4 Q I'm not asking for the name of the</p> <p>5 individual, but what -- what were you employing</p> <p>6 Johnson Detective Agency to do?</p> <p>7 MS. DAVIS: You mean just in</p> <p>8 general terms?</p> <p>9 MS. RICE: In general terms,</p> <p>10 uh-huh.</p> <p>11 MS. DAVIS: Such as investigation.</p> <p>12 THE WITNESS: Investigation. Yeah,</p> <p>13 did an investigation.</p> <p>14 BY MS. RICE:</p> <p>15 Q Was the investigation with respect to</p> <p>16 use of city resources or use of city funds?</p> <p>17 A City resources.</p> <p>18 Q And when did that investigation occur?</p> <p>19 A Early 2001 or two maybe.</p> <p>20 Q Have you employed Johnson Detective</p> <p>21 Agency since that time?</p> <p>22 A No.</p> <p>23 Q Any other detective agencies?</p> <p>24 A No.</p> <p>25 Q How many employees -- or how many</p>

<p style="text-align: right;">38</p> <p>1 individuals are employed with the City of Oxford?</p> <p>2 A One hundred four full-time employees.</p> <p>3 Q One hundred four full time. Are there</p> <p>4 some part time?</p> <p>5 A Lots of part timers.</p> <p>6 Q Approximately how many part time?</p> <p>7 A Thirty-five or 40.</p> <p>8 Q What distinguishes the full-time</p> <p>9 employees from the part time?</p> <p>10 A Part-time people are occasional labor,</p> <p>11 maybe a recreation program for example.</p> <p>12 Q Do all the full-time employees have</p> <p>13 benefits --</p> <p>14 A Yes.</p> <p>15 Q -- through the city?</p> <p>16 A Yes.</p> <p>17 Q Are you responsible for administering</p> <p>18 the benefits?</p> <p>19 A Yes.</p> <p>20 Q And what are your other present primary</p> <p>21 job responsibilities currently?</p> <p>22 A They haven't changed. I still do</p> <p>23 recruiting, I still do benefits, administration</p> <p>24 which is a pretty big deal.</p> <p>25 Q Do you do an orientation for new</p>	<p style="text-align: right;">40</p> <p>1 City of Oxford?</p> <p>2 A Yes.</p> <p>3 Q Did you create that form?</p> <p>4 A No.</p> <p>5 Q Was it available for use prior to your</p> <p>6 coming to the City of Oxford?</p> <p>7 A Yes.</p> <p>8 Q Have you made any changes to it?</p> <p>9 A Yes.</p> <p>10 Q What changes have you made?</p> <p>11 A Pretty subtle changes and just maybe a</p> <p>12 nomenclature.</p> <p>13 Q So the categories haven't really</p> <p>14 changed --</p> <p>15 A That's true.</p> <p>16 Q -- but the scales are rating scales?</p> <p>17 A That's true.</p> <p>18 Q I believe you said the performance</p> <p>19 evaluations aren't done often. I don't want to</p> <p>20 put words in your mouth, but they're completed</p> <p>21 rarely; is that accurate?</p> <p>22 A In the past they have been rarely.</p> <p>23 Q Why is that?</p> <p>24 A Lack of support.</p> <p>25 Q Lack of support within the departments</p>
<p style="text-align: right;">39</p> <p>1 employees?</p> <p>2 A No.</p> <p>3 Q Is that the responsibility of whatever</p> <p>4 department?</p> <p>5 A The supervisor.</p> <p>6 Q First line supervisor?</p> <p>7 A Yes.</p> <p>8 Q What about maintaining personnel files,</p> <p>9 is that one of your job responsibilities?</p> <p>10 A Yes.</p> <p>11 Q Could you describe how those are</p> <p>12 organized or maintained?</p> <p>13 A Everything having to do with an</p> <p>14 employee and their employment is kept in a file</p> <p>15 folder.</p> <p>16 Q In your office?</p> <p>17 A Yes.</p> <p>18 Q When you say everything does that</p> <p>19 include performance evaluations?</p> <p>20 A It does.</p> <p>21 Q How often are performance evaluations</p> <p>22 completed?</p> <p>23 A Rarely.</p> <p>24 Q Is there a performance evaluation form</p> <p>25 that's used, you know, formally throughout the</p>	<p style="text-align: right;">41</p> <p>1 or lack of support in human resources?</p> <p>2 A No.</p> <p>3 Q No, not -- not lack of support in human</p> <p>4 resources?</p> <p>5 A That's true.</p> <p>6 Q Okay. So where does this lack of</p> <p>7 support come from for completing performance</p> <p>8 evaluations?</p> <p>9 A The top.</p> <p>10 Q The top being the city manager?</p> <p>11 A Yes.</p> <p>12 Q So Mr. Marrow specifically? Did -- did</p> <p>13 he not support performance evaluations?</p> <p>14 A That's true.</p> <p>15 Q Did he tell you why?</p> <p>16 A No.</p> <p>17 Q Did you agree with -- with Mr. Marrow's</p> <p>18 opinion concerning performance evaluations?</p> <p>19 A Not at all.</p> <p>20 Q Why is that? Why didn't you agree?</p> <p>21 A Because folks ought to know where they</p> <p>22 stand.</p> <p>23 Q Did you express your opinion on this</p> <p>24 matter to Mr. Marrow?</p> <p>25 A Yes.</p>

<p style="text-align: right;">42</p> <p>1 Q What was his reaction?</p> <p>2 A I'll get around to it.</p> <p>3 Q Who is your present city manager?</p> <p>4 A His name is Mark Donham, D-o-n-h-a-m.</p> <p>5 Q Is he your immediate supervisor now?</p> <p>6 A Yes.</p> <p>7 Q Does he share Mr. Marrow's opinion of</p> <p>8 performance evaluations to the best of your</p> <p>9 knowledge?</p> <p>10 A Not at all.</p> <p>11 Q So Mr. Donham supports performance</p> <p>12 evaluations being carried out on a regular basis?</p> <p>13 A It's a priority.</p> <p>14 Q Okay. And how often are performance</p> <p>15 evaluations being completed or conducted</p> <p>16 presently?</p> <p>17 A Well, keep in mind he's new, but</p> <p>18 they'll be done at least annually.</p> <p>19 Q And those performance evaluations once</p> <p>20 completed will be maintained in the personnel</p> <p>21 files that you --</p> <p>22 A They will.</p> <p>23 Q -- keep in your office?</p> <p>24 Do you know if individual department</p> <p>25 heads or supervisors also have their own personnel</p>	<p style="text-align: right;">44</p> <p>1 which we like to talk to each other. And when</p> <p>2 folks don't do what they're asked to do we have a</p> <p>3 little set too that may consist of a verbal, from</p> <p>4 a verbal to a written, from a written to a final.</p> <p>5 As an example, not all offenses are the same and</p> <p>6 so it may vary.</p> <p>7 Q So verbal or written and then there's</p> <p>8 typically a second written warning or --</p> <p>9 A There could be --</p> <p>10 Q I don't understand the --</p> <p>11 A -- depending on the seriousness of the</p> <p>12 offense.</p> <p>13 Q Okay. Are there some offenses that are</p> <p>14 so serious that no warning is required?</p> <p>15 A Yes.</p> <p>16 Q Can you give us some example -- will</p> <p>17 you please give us some examples of those</p> <p>18 offenses?</p> <p>19 A Coming in with a weapon.</p> <p>20 Q Any other example?</p> <p>21 A Those are listed in the policy. None</p> <p>22 that occur to me.</p> <p>23 Q What revisions have been made to the</p> <p>24 policy since you've been employed as human</p> <p>25 resources director?</p>
<p style="text-align: right;">43</p> <p>1 files for employees that are under their</p> <p>2 supervision?</p> <p>3 A I suspect they do.</p> <p>4 Q How do you insure that the information</p> <p>5 you maintain in your personnel files is identical</p> <p>6 to that which is maintained by individual</p> <p>7 supervisors?</p> <p>8 A I don't.</p> <p>9 Q So do you rely on the supervisors to</p> <p>10 forward the appropriate information along to you?</p> <p>11 A That's our culture.</p> <p>12 Q And in addition to performance</p> <p>13 evaluations, any sort of disciplinary actions or</p> <p>14 other documents would be maintained in the</p> <p>15 personnel file?</p> <p>16 A Yes.</p> <p>17 Q What is the procedure for issuing</p> <p>18 disciplinary actions?</p> <p>19 A It's exactly as you saw in policy with</p> <p>20 progressive discipline.</p> <p>21 Q Could you describe the progressive</p> <p>22 discipline to me -- for me?</p> <p>23 A I could.</p> <p>24 Q Please do. Would you, please?</p> <p>25 A We've got kind of a radical policy in</p>	<p style="text-align: right;">45</p> <p>1 A Too numerous to really specify. It's</p> <p>2 not a static document at all. It's a dynamic</p> <p>3 document which continues to change.</p> <p>4 Q Is there any section or portion that's</p> <p>5 changed more than another since the time -- since</p> <p>6 you've been employed with the City of Oxford?</p> <p>7 A Not that I remember.</p> <p>8 Q And was there a policy in effect at the</p> <p>9 time that you came to the City of Oxford?</p> <p>10 A There was.</p> <p>11 Q Is that one of your job</p> <p>12 responsibilities to review the personnel policy on</p> <p>13 a regular basis?</p> <p>14 A Yes.</p> <p>15 Q Do you have any assistance with that?</p> <p>16 A I'm sorry, any what?</p> <p>17 Q Do you have any assistance with that?</p> <p>18 Is there anyone else who reviews the personnel</p> <p>19 policy with you?</p> <p>20 A Yes.</p> <p>21 Q Who is that?</p> <p>22 A If we change policy then that becomes a</p> <p>23 board decision and the personnel committee of city</p> <p>24 council would meet and discuss that.</p> <p>25 Q So the board has to approve any changes</p>

<p style="text-align: right;">46</p> <p>1 to the personnel policy?</p> <p>2 A Yes.</p> <p>3 Q Who's on the personnel committee?</p> <p>4 A Currently?</p> <p>5 Q Yes, sir.</p> <p>6 A Bob Shope, Tom Burnette, Mark Donham,</p> <p>7 Steve Powell and Chance Wilkinson.</p> <p>8 Q How is that committee appointed or</p> <p>9 selected?</p> <p>10 A They serve at the pleasure of the</p> <p>11 mayor.</p> <p>12 Q Has that been true of the personnel</p> <p>13 committee throughout the time you've been</p> <p>14 employed --</p> <p>15 A Yes.</p> <p>16 Q -- with the City of Oxford?</p> <p>17 So does personnel committee review any</p> <p>18 policy changes and then make a recommendation to</p> <p>19 the board?</p> <p>20 A Yes.</p> <p>21 Q And generally are those</p> <p>22 recommendations -- does the board support those</p> <p>23 recommendations?</p> <p>24 A Typically.</p> <p>25 Q In addition to policy revisions what</p>	<p style="text-align: right;">48</p> <p>1 Q -- I believe you said they work the --</p> <p>2 A Annual terms.</p> <p>3 Q Annual terms, okay.</p> <p>4 How long has Bob Shope been the</p> <p>5 chairman?</p> <p>6 A Since January.</p> <p>7 Q January of '08?</p> <p>8 A Yes.</p> <p>9 Q Who was chairman prior to January of</p> <p>10 '08?</p> <p>11 A Steve Powell.</p> <p>12 Q And who was chairman prior to Steve</p> <p>13 Powell?</p> <p>14 A Paul Kiesow was one of the people who</p> <p>15 was chairman. I may be forgetting somebody</p> <p>16 between that.</p> <p>17 Q Have you ever been chairman of the</p> <p>18 personnel committee?</p> <p>19 A It's always a council person. Ex</p> <p>20 officio as our attorney Mr. Burnette.</p> <p>21 Q And, I believe, you said you don't take</p> <p>22 individual personnel matters to the personnel</p> <p>23 committee?</p> <p>24 A No.</p> <p>25 Q How are individual personnel matters</p>
<p style="text-align: right;">47</p> <p>1 else does a personnel committee do?</p> <p>2 A They may also review new benefits</p> <p>3 before they're finished, implemented.</p> <p>4 Q Anything else?</p> <p>5 A Anything having to do with -- with</p> <p>6 personnel. They don't micromanage that piece,</p> <p>7 they don't get involved, they don't call names, we</p> <p>8 don't take individual personnel matters to the</p> <p>9 personnel committee. They're advisory.</p> <p>10 Q How often does the personnel committee</p> <p>11 meet?</p> <p>12 A There is no schedule.</p> <p>13 Q Does -- do all the members meet</p> <p>14 together or --</p> <p>15 A They're invited.</p> <p>16 Q Okay. Does the personnel committee</p> <p>17 typically meet several times a year or does it</p> <p>18 just depend on the needs?</p> <p>19 A Depends on the chairman and the need.</p> <p>20 Q Who is the chairman of the personnel</p> <p>21 committee?</p> <p>22 A Bob Shope.</p> <p>23 Q Do the members of the personnel</p> <p>24 committee they serve terms or --</p> <p>25 A Yearly.</p>	<p style="text-align: right;">49</p> <p>1 addressed? I understand there is a progressive</p> <p>2 disciplinary policy, but if you become aware of a</p> <p>3 concern how is that addressed? For example, to</p> <p>4 the city manager? How do you raise that</p> <p>5 attention? Do you raise that matter to the city</p> <p>6 manager personally?</p> <p>7 A If I become aware?</p> <p>8 Q Yes, sir.</p> <p>9 A Very often I could make the city</p> <p>10 manager privy to it unless things are said to me</p> <p>11 in confidence which case he doesn't hear it.</p> <p>12 Q So if the supervisor or -- or an</p> <p>13 employee comes to you and -- and wants to maintain</p> <p>14 confidentiality with respect to a certain matter</p> <p>15 you'll do so?</p> <p>16 A Yes.</p> <p>17 Q Do you ever personally conduct</p> <p>18 investigations into personnel matters?</p> <p>19 A Rarely, but I have.</p> <p>20 Q How often have you done that?</p> <p>21 A I can only remember one time just now.</p> <p>22 Q If a personnel matter needs to be</p> <p>23 investigated who typically is responsible for that</p> <p>24 investigation?</p> <p>25 A Typically it doesn't happen.</p>

<p style="text-align: right;">50</p> <p>1 Q Typically there's not a need for an 2 investigation to take place? 3 A Right. 4 Q I believe you said there were 104 5 full-time employees presently? 6 A Yes. 7 Q How has that number changed during the 8 time that you've been employed with the City of 9 Oxford or has it changed? 10 A It's changed. It's gone from about 96 11 or seven to 104. 12 Q Were those additional positions in 13 multiple departments or -- 14 A Largely one department that we added. 15 Q What department was that? 16 A Waste water treatment. 17 Q And that was added 2000 -- 1999, 2000; 18 is that accurate? 19 A 2000, 2001 or two. 20 Q Do you participate in all of the hiring 21 decisions? 22 A No. 23 Q How is it determined which -- which 24 hiring decisions you participate in personally? 25 A I offer my services. If the department</p>	<p style="text-align: right;">52</p> <p>1 But we previously discussed personnel 2 files and, I believe, you said you maintained them 3 in your office, you have a personnel file? 4 A Yes. 5 Q Is that true for every employee? 6 A Yes. 7 Q And does that have any documents that 8 might involve their hiring and their initial 9 application for employment -- 10 A Yes. 11 Q -- is that also -- 12 A Yes. 13 Q -- in their personnel files? 14 And how long do you maintain personnel 15 files for former employees? 16 A I haven't thrown any away yet. 17 Q So from -- you have all of those from 18 1999 to the present? 19 A Yes. 20 Q Do you keep all of them in your office 21 still? 22 A Yes. 23 Q Is there a copy of any of those 24 maintained elsewhere? 25 A No.</p>
<p style="text-align: right;">51</p> <p>1 head chooses to do something different then I want 2 to know why. And typically I -- I do everything 3 with the exception of police department. 4 Q With the exception of the police 5 department? 6 A Not always there. 7 Q Has that been true throughout the time 8 that you've been employed with the City of Oxford 9 that not all hiring decisions for the police 10 department go -- 11 A Yes. 12 Q -- or involve you? 13 MS. DAVIS: When you get to a 14 breaking point -- 15 MS. RICE: Uh? 16 MS. DAVIS: When you get to a 17 breaking point I could use a break. 18 MS. RICE: Okay. Let's take a 19 break then. 20 MS. DAVIS: Okay. 21 (A brief recess was taken.) 22 BY MS. RICE: 23 Q I apologize in advance. I'm going to 24 jump around a little bit just to give you some 25 forewarning there.</p>	<p style="text-align: right;">53</p> <p>1 Q And if an employee receives any sort of 2 disciplinary action -- written disciplinary action 3 is that maintained in their personnel file 4 throughout their employment? 5 A Yes. 6 Q Are you made aware of all personnel 7 actions that are issued? 8 A Yes. 9 Q How is it that you're made aware? 10 A By copy. 11 Q Do you review all written personnel 12 actions? 13 A Yes. 14 Q Do you assist in drafting them? 15 A If asked. 16 Q Are you typically asked? 17 A 50/50. 18 Q How did you meet -- or when did you 19 meet Sharon Iglesias? 20 A In '99 -- late '99. 21 Q When you came to the City of Oxford? 22 A Uh-huh. 23 Q Where did you meet her -- 24 A Don't remember. 25 Q -- Ms. Iglesias?</p>

<p style="text-align: right;">54</p> <p>1 Was it while you were at work?</p> <p>2 A Yeah.</p> <p>3 Q Do you recall the occasion was of your</p> <p>4 first meeting?</p> <p>5 A Not at all.</p> <p>6 Q And when did you next interact with</p> <p>7 Ms. Iglesias following your first meeting?</p> <p>8 A Don't remember.</p> <p>9 Q Would you have occasion to see Ms.</p> <p>10 Iglesias on a monthly basis?</p> <p>11 A Happenstance.</p> <p>12 (Interruption.)</p> <p>13 BY MS. RICE:</p> <p>14 Q Would you -- or do you visit each</p> <p>15 department within the city from time-to-time?</p> <p>16 A Yes.</p> <p>17 Q Do you have a schedule for your visits?</p> <p>18 A No.</p> <p>19 Q Is it on an as needed basis or do</p> <p>20 you --</p> <p>21 A It's random.</p> <p>22 Q Do you make it a point to speak to --</p> <p>23 tell the employees when you visit their offices?</p> <p>24 A Most.</p> <p>25 Q Were you aware of any concerns that</p>	<p style="text-align: right;">56</p> <p>1 document?</p> <p>2 A It was sent to me.</p> <p>3 Q Sent to you by Chief Wolford?</p> <p>4 A Yes.</p> <p>5 Q Did you put a copy of that document in</p> <p>6 the personnel files for each of the employees who</p> <p>7 had signed the document?</p> <p>8 A Yes.</p> <p>9 Q How did Chief Wolford send it to you?</p> <p>10 A Don't remember.</p> <p>11 Q How do you typically exchange</p> <p>12 documents?</p> <p>13 A Interoffice mail.</p> <p>14 Q Is that true of documents that you may</p> <p>15 be reviewing for a supervisor? For example,</p> <p>16 disciplinary actions are those typically exchanged</p> <p>17 via interoffice mail?</p> <p>18 A Typically not.</p> <p>19 Q How are those typically exchanged?</p> <p>20 A In person.</p> <p>21 Q In person.</p> <p>22 Ever by e-mail?</p> <p>23 A No.</p> <p>24 Q So if you make suggestion revision to a</p> <p>25 document you reviewed you would mark those in</p>
<p style="text-align: right;">55</p> <p>1 Chief Wolford had with respect to Ms. Iglesias</p> <p>2 prior to 2004?</p> <p>3 A Yes.</p> <p>4 Q And what were those concerns?</p> <p>5 A The document that you've seen on</p> <p>6 confidentiality as an example.</p> <p>7 Q Any other examples?</p> <p>8 A Prior to 2004 probably but, you know,</p> <p>9 the -- the dates -- I can't, you know, give you an</p> <p>10 example of what you're after. And I'll look at</p> <p>11 it, but the date they run together a little bit.</p> <p>12 Q Okay. And the document concerning</p> <p>13 confidentiality you're referring to --</p> <p>14 A If I remember that was prior to '04.</p> <p>15 Q Are you referring to an agreement</p> <p>16 that -- that Chief Wolford had Ms. Iglesias and</p> <p>17 other employees sign?</p> <p>18 A Yes.</p> <p>19 Q Did Chief Wolford speak with you</p> <p>20 regarding that document prior to -- to addressing</p> <p>21 it with Ms. Iglesias and others?</p> <p>22 A No.</p> <p>23 Q How did you become aware of it?</p> <p>24 A By the document.</p> <p>25 Q How did you become aware of the</p>	<p style="text-align: right;">57</p> <p>1 rating the document?</p> <p>2 A Or do it together.</p> <p>3 Q And to the best of your recollection</p> <p>4 this document regarding confidentiality was that</p> <p>5 sent to you at about the same time it was signed</p> <p>6 by Ms. Iglesias and others?</p> <p>7 A Just after.</p> <p>8 Q Had Chief Wolford spoken with you</p> <p>9 concerning any concerns he may have had regarding</p> <p>10 confidentiality prior to that?</p> <p>11 A Not in advance.</p> <p>12 Q Following the issuance of the document</p> <p>13 did he speak with you regarding his concerns?</p> <p>14 A I don't recall a conversation but it</p> <p>15 would probably have been likely.</p> <p>16 Q How often -- beginning in I believe it</p> <p>17 was 2000 -- or following his hire how often would</p> <p>18 Chief Wolford consult with you regarding personnel</p> <p>19 matters?</p> <p>20 A Very frequently.</p> <p>21 Q More than once a month?</p> <p>22 A Yes.</p> <p>23 Q Would he ever e-mail you his concerns?</p> <p>24 A No.</p> <p>25 Q So it was always in person that he</p>

<p style="text-align: right;">58</p> <p>1 would talk to you?</p> <p>2 A Yeah.</p> <p>3 Q Did you take notes when you would meet</p> <p>4 with Chief Wolford regarding his personnel</p> <p>5 concerns?</p> <p>6 A Typically not.</p> <p>7 Q Why is that?</p> <p>8 A I felt no need to.</p> <p>9 Q Did Chief Wolford ever come to you and</p> <p>10 ask you to maintain confidentiality with respect</p> <p>11 to a matter he'd raised with you?</p> <p>12 A Any matter?</p> <p>13 Q Any matter.</p> <p>14 A Sure.</p> <p>15 Q Any personnel matter?</p> <p>16 A Occasionally.</p> <p>17 Q How often?</p> <p>18 A Don't have any way of guessing.</p> <p>19 Q More than five times?</p> <p>20 A In what period?</p> <p>21 Q From the time that he was hired until</p> <p>22 now.</p> <p>23 A Oh, yeah.</p> <p>24 Q More than ten times?</p> <p>25 A Yes.</p>	<p style="text-align: right;">60</p> <p>1 Q And what was that?</p> <p>2 A Administrative assistant.</p> <p>3 Q Has Ms. Iglesias always been the</p> <p>4 administrative assistant during the time you've</p> <p>5 known her?</p> <p>6 A With the notable exception of those few</p> <p>7 days.</p> <p>8 Q And what exception are you referring</p> <p>9 to?</p> <p>10 A She was transferred -- a lateral</p> <p>11 transfer to a dispatcher.</p> <p>12 Q When did that occur?</p> <p>13 A Don't remember the date.</p> <p>14 Q Do you recall why that occurred?</p> <p>15 A Yes.</p> <p>16 Q And why was that? Why was Ms. Iglesias</p> <p>17 transferred to dispatcher?</p> <p>18 A Just to try to retain her.</p> <p>19 Q What do you mean to try and retain her?</p> <p>20 A Put her in a position in which it would</p> <p>21 improve her chances to continue to be employed.</p> <p>22 Q Why did her chances need to be</p> <p>23 improved?</p> <p>24 A The things you've seen as a matter of</p> <p>25 record, the concerns with confidentiality.</p>
<p style="text-align: right;">59</p> <p>1 Q More than 20?</p> <p>2 A Probably.</p> <p>3 Q What's the turnover rate in the police</p> <p>4 department? How does it -- I -- I should ask how</p> <p>5 does it compare with other departments within the</p> <p>6 city?</p> <p>7 A It's not as high as some and higher</p> <p>8 than others.</p> <p>9 Q How many employees are there at the</p> <p>10 police department?</p> <p>11 A Around 40 with sworn officers and</p> <p>12 nonsworn.</p> <p>13 Q Forty altogether?</p> <p>14 A Yes.</p> <p>15 Q What percentage of those are sworn</p> <p>16 versus unsworn?</p> <p>17 A Let me guess. Around 32, three.</p> <p>18 Q Are sworn officers?</p> <p>19 A Yes.</p> <p>20 Q Was Ms. Iglesias to the best of your</p> <p>21 knowledge ever a sworn officer?</p> <p>22 A No.</p> <p>23 Q Do you recall the position that Ms.</p> <p>24 Iglesias held?</p> <p>25 A Yes.</p>	<p style="text-align: right;">61</p> <p>1 Q What concerns were those?</p> <p>2 A There again, there's concerns that are</p> <p>3 documented that you've seen. There's nothing</p> <p>4 other than what you've seen.</p> <p>5 Q But what's your understanding of what</p> <p>6 those concerns were?</p> <p>7 A What were the concerns relating</p> <p>8 confidentiality?</p> <p>9 Q Yes, sir.</p> <p>10 A The concerns that had to do with any</p> <p>11 number of occasions. You want specific examples</p> <p>12 like the Melba Knott --</p> <p>13 (Interruption by the reporter.)</p> <p>14 A The Melba Knott affair.</p> <p>15 MS. DAVIS: And to the extent we're</p> <p>16 going to be talking about personnel</p> <p>17 information we need to mark this section</p> <p>18 confidential and ask Ms. Iglesias to excuse</p> <p>19 herself.</p> <p>20 MS. RICE: Right now I was going to</p> <p>21 address primarily other concerns with respect</p> <p>22 to --</p> <p>23 MS. DAVIS: Okay.</p> <p>24 MS. RICE: -- Ms. Iglesias's</p> <p>25 employment.</p>

<p style="text-align: right;">62</p> <p>1 MS. DAVIS: All right.</p> <p>2 BY MS. RICE:</p> <p>3 Q And you mentioned the Melba Knott</p> <p>4 situation.</p> <p>5 What were the other concerns regarding</p> <p>6 confidentiality?</p> <p>7 A As strange as it would appear I --</p> <p>8 I don't -- I'm not right now recalling the other</p> <p>9 incidences. But again, those are a matter of the</p> <p>10 record that you have and I concur with that</p> <p>11 record.</p> <p>12 Q When did you become aware that</p> <p>13 Ms. Iglesias -- Ms. Iglesias had spoken to an</p> <p>14 auditor regarding her concerns with respect to</p> <p>15 Chief Wolford?</p> <p>16 A A few days afterwards.</p> <p>17 Q A few days after Ms. Iglesias spoke</p> <p>18 with the auditor?</p> <p>19 A Yes.</p> <p>20 Q How did you become aware that</p> <p>21 Ms. Iglesias had spoken with --</p> <p>22 A By the city manager.</p> <p>23 Q Tommy Marrow --</p> <p>24 A Yes.</p> <p>25 Q -- told you?</p>	<p style="text-align: right;">64</p> <p>1 MS. RICE: Robin, do you have your</p> <p>2 copy of the exhibits?</p> <p>3 MS. DAVIS: I do. If you'll just</p> <p>4 tell me what number you're referring to.</p> <p>5 MS. RICE: I believe it's 69.</p> <p>6 BY MS. RICE:</p> <p>7 Q Mr. Jenkins, if I could ask you to turn</p> <p>8 to number 69, please.</p> <p>9 (Document handed to witness for review.)</p> <p>10 A Okay.</p> <p>11 Q I apologize.</p> <p>12 MS. DAVIS: What are you referring</p> <p>13 to? Are you looking for 67?</p> <p>14 MR. BURNETTE: Making sure they're</p> <p>15 the same.</p> <p>16 MS. RICE: Yes, thank you.</p> <p>17 BY MS. RICE:</p> <p>18 Q If you could turn to 67, please, Mr.</p> <p>19 Jenkins. Just take a moment to review that</p> <p>20 document and let me know --</p> <p>21 A Sure.</p> <p>22 Q -- when you're done.</p> <p>23 A Okay.</p> <p>24 Q Are you familiar with the document that</p> <p>25 was --</p>
<p style="text-align: right;">63</p> <p>1 A Yes.</p> <p>2 Q What did he tell you?</p> <p>3 A He told me of the concern that had been</p> <p>4 raised to him.</p> <p>5 Q What did he say to you?</p> <p>6 MS. DAVIS: And, I think, at this</p> <p>7 point we do need to go --</p> <p>8 THE WITNESS: Yeah.</p> <p>9 MS. DAVIS: -- confidential because</p> <p>10 it's going to deal with the personnel matter</p> <p>11 involving the chief.</p> <p>12 MS. RICE: I'll come back to it.</p> <p>13 MS. DAVIS: Okay.</p> <p>14 BY MS. RICE:</p> <p>15 Q Did Chief Wolford consult with you</p> <p>16 prior to issuing Ms. Iglesias a written warning in</p> <p>17 May of 2004?</p> <p>18 A Why don't you remind me what that</p> <p>19 written warning concerned.</p> <p>20 Q Do you recall Chief Wolford consulting</p> <p>21 with you regarding any written warning that</p> <p>22 Ms. Iglesias received?</p> <p>23 A We typically would talk about it.</p> <p>24 Q Talk about it before it was issued?</p> <p>25 A Yes.</p>	<p style="text-align: right;">65</p> <p>1 A I am.</p> <p>2 Q -- previously marked as --</p> <p>3 A Yes.</p> <p>4 Q -- Exhibit 67?</p> <p>5 A Yes.</p> <p>6 Q Could you describe what this document</p> <p>7 is to the best of your knowledge?</p> <p>8 A This is a document in which the chief</p> <p>9 saw fit to warn Ms. Iglesias regarding issues of</p> <p>10 confidentiality specifically as she was soliciting</p> <p>11 other people in her agenda.</p> <p>12 Q What do you mean her agenda?</p> <p>13 A She wanted a police officer to attend a</p> <p>14 meeting with her.</p> <p>15 Q Attend a meeting with her?</p> <p>16 A Yes.</p> <p>17 Q Ms. Iglesias wanted another police</p> <p>18 officer to attend a meeting with her and someone</p> <p>19 else?</p> <p>20 A I'm sorry?</p> <p>21 Q Did you understand that Ms. Iglesias</p> <p>22 wanted another police officer to attend a meeting</p> <p>23 with Ms. Iglesias and another individual?</p> <p>24 A And the chief.</p> <p>25 Q And, I believe, you testified that the</p>

<p style="text-align: right;">66</p> <p>1 chief saw fit to warn Ms. Iglesias. Did you agree 2 with the chief's assessment of that situation? 3 A Yes. 4 Q Why is that? 5 A Because it was a matter of confidence 6 and she had engaged somebody -- I mean, went up 7 there directly to the chief. 8 (Interruption by the reporter.) 9 A In a confidential manner. 10 Q Did -- did Chief Welford speak with you 11 concerning the issuance of this warning prior to 12 having issued it to Ms. Iglesias? 13 A I don't remember that. 14 Q Do you recall when you received a copy 15 of the warning? 16 A No. It would have been shortly after 17 I'm sure. 18 Q And you believe you received it by 19 interoffice mail or did the chief personally 20 deliver it to you? 21 A I don't remember. 22 Q What's the policy for grieving a 23 disciplinary action within the city? 24 A It's exactly as you've seen written. 25 We go by the policy that you have seen written</p>	<p style="text-align: right;">68</p> <p>1 head supervisor, then that person's department 2 head, human resources and the city manager. Of 3 course there are provisions that depending on what 4 it is they could skip process. Typically you 5 would like to know why. 6 Q Once you receive a grievance what do 7 you do? 8 A By receiving it you mean after I -- 9 after I have listened to it? 10 Q Yes, sir. 11 A Then I do what that employee wants me 12 to do. 13 Q Do you issue a determination concerning 14 a grievance? 15 A If it's indicated I will, yes. 16 Q Do you conduct an investigation into 17 grievances? 18 A Not very often. 19 Q How often have you conducted 20 an investigation into a grievance? 21 A One in nine years now. 22 Q Is that one related to this case -- 23 A Yes. 24 Q -- to Ms. Iglesias? 25 And, I believe, you said that an</p>
<p style="text-align: right;">67</p> <p>1 with the stages that people may address. 2 Q What are those stages? 3 A You want me to recall what's in the 4 policy? 5 Q Yes, sir. 6 A Okay. This will be loose keep in mind. 7 If an employee has a grievance then they may 8 appeal to the department head. If that is not 9 satisfactory then they may appeal to human 10 resources, and the final appeal is to the city 11 manager. 12 Q What actions are grievable? 13 A You know, in our organization most 14 anything anybody wants to grieve. Again, we -- we 15 talk to each other. 16 Q So a warning is grievable? 17 A Warnings? 18 Q A warning is grievable? 19 A Sure, if they wish. 20 Q Are performance evaluations grievable? 21 A If they want to. 22 Q And so it's department head, then your 23 department human resources the stages of 24 grievance? 25 A Yeah, after that person's department</p>	<p style="text-align: right;">69</p> <p>1 individual can skip certain stages if appropriate; 2 is that accurate? 3 A There is stages that are there and they 4 may skip. Again, I would mention to you that it 5 might be appropriate to ask why. 6 Q And why is that? 7 A Why is it appropriate that -- just, you 8 know, the city manager is a busy guy. If somebody 9 would say I want to go directly to the city 10 manager and skip department head and skip HR he 11 may say would I be interested in why you want to 12 skip that. 13 Q And how many grievances have you 14 received in the nine years that you've been there? 15 A No way of knowing that. That would be 16 a pretty big number. 17 Q More than 20? 18 A Oh, you said grievances -- 19 Q Yes. 20 A -- and, I'm sorry, I was thinking about 21 reprimands and that kind of -- grievances, less 22 than 20. 23 Q Less than ten? 24 A Yeah, less than ten. 25 Q Fewer than five?</p>

<p style="text-align: right;">70</p> <p>1 A No.</p> <p>2 Q Have the majority of those grievances</p> <p>3 gone first through the department head and then to</p> <p>4 human resources --</p> <p>5 A Yes.</p> <p>6 Q -- is that -- when you issue written</p> <p>7 determinations with respect to a grievance do you</p> <p>8 consult with the city manager prior to doing so?</p> <p>9 A Not typically.</p> <p>10 Q Do you consult the department head -- a</p> <p>11 department head or the department head that may be</p> <p>12 involved?</p> <p>13 A No, not typically. If I need</p> <p>14 additional information for being fair I may, but</p> <p>15 there's not normally a reason to do that.</p> <p>16 Q So do you normally just consult with</p> <p>17 the employee that may be grieving a certain</p> <p>18 matter? I don't want to put words in -- I just</p> <p>19 want to understand what your practice is.</p> <p>20 A My practice is to seek to understand.</p> <p>21 What I want to do is help that employee resolve</p> <p>22 whatever issue they have with the department head</p> <p>23 or the supervisor. I'm there to mollify if I can</p> <p>24 or to somehow get these people -- the supervisor</p> <p>25 and the employee back into a solid trusting</p>	<p style="text-align: right;">72</p> <p>1 media concerning your work on behalf of the City</p> <p>2 of Oxford?</p> <p>3 A Regarding what?</p> <p>4 Q Your work on behalf of the City of</p> <p>5 Oxford.</p> <p>6 A Sure.</p> <p>7 Q Is there a certain newspaper that</p> <p>8 you're contacted by more often than others?</p> <p>9 A Yes.</p> <p>10 Q What newspaper is that?</p> <p>11 A The Henderson Dispatch.</p> <p>12 Q When were you last contacted by the</p> <p>13 Henderson Dispatch?</p> <p>14 A Within three months.</p> <p>15 Q Three months of today?</p> <p>16 A Uh-huh, yes.</p> <p>17 Q And why were you contacted most</p> <p>18 recently?</p> <p>19 A Reporter wanted to know some</p> <p>20 information not actually regarding the city but</p> <p>21 regarding my involvement with the county human</p> <p>22 relations committee.</p> <p>23 Q What is your involvement with the</p> <p>24 county human relations committee?</p> <p>25 A I am appointed by a county commissioner</p>
<p style="text-align: right;">71</p> <p>1 relationship.</p> <p>2 Q Are you typically successful?</p> <p>3 A More often than not, yeah.</p> <p>4 Q How many employees have been discharged</p> <p>5 from their employment during the time that you've</p> <p>6 been employed with the City of Oxford?</p> <p>7 A I don't have a count.</p> <p>8 Q More than ten?</p> <p>9 A Probably not.</p> <p>10 Q More than five?</p> <p>11 A Yes.</p> <p>12 Q Have those discharges been from one</p> <p>13 department more than others?</p> <p>14 A Yeah, yes.</p> <p>15 Q What department?</p> <p>16 A Public works.</p> <p>17 Q Are you ever contacted by any members</p> <p>18 of the media with respect to your work for the</p> <p>19 City of Oxford?</p> <p>20 A Members of media?</p> <p>21 Q Yes, sir.</p> <p>22 A Yes.</p> <p>23 Q How often?</p> <p>24 A Rarely.</p> <p>25 Q And do you speak with members of the</p>	<p style="text-align: right;">73</p> <p>1 to serve on the human relations not to be confused</p> <p>2 with human resources committee.</p> <p>3 Q What's the difference between human</p> <p>4 relations and human resources?</p> <p>5 A Human relations commission of Granville</p> <p>6 County has to do with diversity issues. Been a</p> <p>7 founder of -- of that group and have served for</p> <p>8 about 18 or 19 years now. Active in -- in</p> <p>9 community and racial affairs, Latinos, African</p> <p>10 Americans, Chinese.</p> <p>11 Q And you said you've been involved for</p> <p>12 18, 19 years in that position?</p> <p>13 A Yes.</p> <p>14 Q And who appointed you that position or</p> <p>15 that role?</p> <p>16 A Commissioner James Lumpkins.</p> <p>17 Q And who -- how long is that term for</p> <p>18 for your involvement with that committee or are</p> <p>19 you appointed to a term?</p> <p>20 A It's a four-year term.</p> <p>21 Q I'm sorry, I didn't ask earlier. What</p> <p>22 was your undergraduate degree?</p> <p>23 A Psychology.</p> <p>24 Q Did you ever meet with Ms. Iglesias and</p> <p>25 Chief Welford together?</p>

<p style="text-align: right;">74</p> <p>1 A I don't recall ever meeting with them 2 together except, you know, an employee meeting 3 where lots of people were there. 4 Q But not with them -- 5 A Not with them. 6 Q -- individually? 7 A Not with just the three of us I don't 8 recall such a meeting. 9 Q How did you attempt to assist them in 10 rebuilding trust or work out their work 11 relationship together? 12 A I did not say them. I said typical 13 employees -- 14 Q Okay. 15 A -- that's typically what I do. 16 Q Did you attempt to assist Ms. Iglesias 17 and Chief Welford? 18 A Well, in so far as when the city 19 manager asked me to do an investigation I wanted 20 to -- to do that in such a manner as would help 21 everybody concerned. 22 Q Whose idea was it to transfer 23 Ms. Iglesias to the position of dispatcher? 24 A I recommended it or recommended some 25 sort of transfer and the chief made that decision.</p>	<p style="text-align: right;">76</p> <p>1 administrative leave? 2 A That was not my recommendation. 3 Q What was your recommendation? 4 A That she be transferred as I mentioned 5 a moment ago. 6 Q So was your -- was it your 7 recommendation that she stay in the position of 8 dispatcher? 9 A I did not recommend that. 10 Q Whose decision was it to place Ms. 11 Iglesias on paid administrative leave? 12 A I think that was kind of in conjunction 13 with the chief and the city manager. 14 Q Did you consult with them regarding 15 that decision? 16 A I don't remember that at all. 17 Q Do you recall how long Ms. Iglesias was 18 on paid administrative leave? 19 A I do not. 20 Q When she returned from paid 21 administrative leave do you recall what position 22 Ms. Iglesias was assigned to? 23 A She returned to the administrative 24 assistant position. 25 Q Did you have any concerns about</p>
<p style="text-align: right;">75</p> <p>1 Q So you didn't specifically say that you 2 recommended that Ms. Iglesias be made a 3 dispatcher, that was the chief's decision? 4 A That's true. 5 Q Were there any other positions 6 available within the City of Oxford that might 7 have been suitable for Ms. Iglesias at that time? 8 A None that I recall. 9 Q Did that transfer -- I believe you -- 10 you stated earlier it was for several days. Do 11 you recall why it was just for several days? 12 A Ms. Iglesias appealed the decision to 13 put her there. 14 Q And what happened after Ms. Iglesias 15 appealed? 16 A Finally the city capitulated and put 17 her back into her job. 18 Q What happened immediately after 19 Ms. Iglesias appealed? 20 A There's a series of events that 21 probably -- including a period in which we gave 22 her administrative leave, paid leave. That -- 23 that series of events I'm just kind of vague on. 24 Q Did you have anything to do with the 25 decision to place Ms. Iglesias on paid</p>	<p style="text-align: right;">77</p> <p>1 Ms. Iglesias being placed in that position again? 2 A Like what kind of concern? 3 Q Did you have any concerns? 4 A I don't recall any concerns that I had. 5 Q Were you involved in the decision to 6 return Ms. Iglesias to that position the position 7 of administrative assistant? 8 A I was not. 9 Q And how did you become aware that the 10 decision had been made to return her to the 11 administrative assistant position? 12 A There would have been a personnel 13 action form and it's very possible that there was 14 a discussion that I was made privy to after that 15 decision was made. 16 Q A personnel action form is that 17 completed by the department head or the city -- 18 A It is. 19 Q -- manager? Okay. 20 A Yes. 21 Q In your position as human resources 22 director do you -- do you review departmental 23 policies as well? 24 A I'm aware of departmental policies just 25 so that they don't conflict with -- with city</p>

<p style="text-align: right;">78</p> <p>1 policy.</p> <p>2 Q Are -- the various departments are they</p> <p>3 able to revise their departmental policies without</p> <p>4 consulting with you prior to doing so?</p> <p>5 A They are.</p> <p>6 Q How do you -- how are you made aware of</p> <p>7 changes in departmental policies?</p> <p>8 A I keep -- there's a notebook with their</p> <p>9 policy in it and I'm made privy to the changes.</p> <p>10 Q I'll ask you to turn to 67 again. Did</p> <p>11 you ever follow up with -- with Chief Wolford</p> <p>12 following the issuance of this warning to -- to</p> <p>13 see whether he had reconsidered the warning six</p> <p>14 months later?</p> <p>15 A I don't remember doing that.</p> <p>16 Q Or any time after that -- that six</p> <p>17 months period --</p> <p>18 A No.</p> <p>19 Q -- did you?</p> <p>20 A In terms of the commitment to withdraw</p> <p>21 this after six months?</p> <p>22 Q Or, I believe, it states I would</p> <p>23 consider removing this letter from your file</p> <p>24 sometime between six months and one year from this</p> <p>25 date. Did you follow up with Chief Wolford to see</p>	<p style="text-align: right;">80</p> <p>1 time Ms. Belcher, received in the course of her</p> <p>2 employment?</p> <p>3 (Interruption by the reporter.)</p> <p>4 Q At the time Ms. Belcher, B-e-l-c-h-e-r,</p> <p>5 received during the time that she was employed</p> <p>6 with the City of Oxford?</p> <p>7 A I'm not aware of any others.</p> <p>8 Q Was this the only one that you had in</p> <p>9 your personnel file for Ms. Iglesias?</p> <p>10 A It is.</p> <p>11 MS. RICE: Can we take just a five</p> <p>12 minute break.</p> <p>13 MS. DAVIS: Sure.</p> <p>14 (A brief recess was taken.)</p> <p>15 MS. RICE: I believe this is --</p> <p>16 we're on 84.</p> <p>17 (Mr. Jenkins Deposition Exhibit</p> <p>18 No. 84 was marked for</p> <p>19 identification.)</p> <p>20 (Document handed to witness for review.)</p> <p>21 BY MS. RICE:</p> <p>22 Q If you could take a moment to review</p> <p>23 what's been marked as Exhibit 84 and let me know</p> <p>24 when you've had a chance to do so. Have you had</p> <p>25 an opportunity to review it --</p>
<p style="text-align: right;">79</p> <p>1 if that had taken place?</p> <p>2 A No.</p> <p>3 Q I'll ask you to turn to 65, please. If</p> <p>4 you'll just take a moment to review that and let</p> <p>5 me know when you have had an opportunity to do so.</p> <p>6 A Okay. Okay.</p> <p>7 Q Have you had an opportunity to review</p> <p>8 it?</p> <p>9 A I'm sorry?</p> <p>10 Q Have you had an opportunity to review</p> <p>11 the document that is marked as 65?</p> <p>12 A Yes, I'm done.</p> <p>13 Q Are you familiar with the document?</p> <p>14 A I am.</p> <p>15 Q And can you just describe what your</p> <p>16 understanding is of this document?</p> <p>17 A This is an annual appraisal in which</p> <p>18 the department head sits down with the employee</p> <p>19 and gives them feedback regarding their work</p> <p>20 performance.</p> <p>21 Q I'm sorry, I believe, you said</p> <p>22 annual -- it's an annual performance evaluation?</p> <p>23 A It was at that time, yes.</p> <p>24 Q Okay. Do you know of any other</p> <p>25 performance evaluations that Ms. Iglesias, at the</p>	<p style="text-align: right;">81</p> <p>1 A I'm good.</p> <p>2 Q -- Exhibit 84?</p> <p>3 A Yeah.</p> <p>4 Q Are you familiar with this document,</p> <p>5 Mr. Jenkins?</p> <p>6 A I am.</p> <p>7 Q And could you describe what this</p> <p>8 document is, please?</p> <p>9 A This appears to be Chief Wolford's</p> <p>10 response to some -- to the investigation that I</p> <p>11 was tasked to do.</p> <p>12 Q Did Chief Wolford provide you with this</p> <p>13 response in writing?</p> <p>14 A This -- this very response, yes.</p> <p>15 Q Okay. And how did he -- how did he</p> <p>16 provide this document to you?</p> <p>17 A I don't remember.</p> <p>18 Q Do you recall when he provided this</p> <p>19 document to you?</p> <p>20 A No. Shortly after the date I'm sure.</p> <p>21 Q Did you speak with Chief Wolford</p> <p>22 concerning your interview with Ms. Iglesias?</p> <p>23 A I don't remember speaking with him</p> <p>24 about it, but he was privy to the -- to the</p> <p>25 document that I wrote.</p>

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1 Q How did you make him aware of that
2 document?
3 A Gave it to him.
4 Q And what did you do upon receiving
5 what's been marked as 84?
6 A Read it.
7 Q You read it?
8 A Uh-huh.
9 Q Did you agree with the statements in
10 document 84?
11 A You're asking me if I agreed with this
12 whole document in its entirety?
13 Q Yes, sir.
14 A A lot of it is opinion and I
15 certainly -- no, I do not disagree with this
16 document.
17 Q Did you ask Chief Wolford to provide a
18 written response?
19 A No.
20 Q Did he explain why he had responded in
21 writing?
22 A We had no discussion about that.
23 Q So what did you do upon receiving 84
24 after -- I believe you testified you read it, but
25 then -- then what did you do?

83

1 A Just filed it.
2 Q Just put it in Ms. Iglesias's personnel
3 file?
4 A Right.
5 Q It didn't affect any decision making
6 you had from that point forward?
7 A Okay. Let me just -- with that
8 question in mind let me just glance again --
9 Q Yes, sir.
10 A -- because I want to be sure I'm saying
11 what's right.
12 Okay. And your question was?
13 Q Did you do anything -- I mean, did it
14 affect your decision making from that point
15 forward?
16 A It's entirely possible that this could
17 be considered as some evidence going forward.
18 Hard to say, you know, what your psyche retains.
19 Q If I could ask you to turn to Exhibit
20 Number 70 in the binder. Please review that and
21 let me know when you've finished reviewing it,
22 please.
23 A Okay.
24 Q Are you familiar with what's been
25 marked as Exhibit 70?

84

1 A I am.
2 Q And whose handwriting is at the top of
3 Exhibit 70?
4 A That looks like Tommy Marrow's
5 handwriting.
6 Q It's not your handwriting?
7 A That is not.
8 Q Did you prepare what's been marked as
9 Exhibit 70?
10 A I did.
11 Q And when did you prepare the document
12 marked as --
13 A It's dated 9-2, so very close to
14 9-2-04.
15 Q Okay. And why did you prepare what's
16 been marked as Exhibit 70?
17 A As follow up to the investigation that
18 the city manager dispatched me to do.
19 Q How long did that investigation take
20 for you to complete?
21 A A couple of days.
22 Q What did you do during the course of
23 the investigation?
24 A I talked to the principals listed in
25 the investigation.

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1 Q Who are those principals?
2 A Those are Ms. Iglesias, Pat Ford, Chief
3 Wolford and, I think, that's it. Yeah.
4 Q When did you speak with Ms. Iglesias?
5 Was she the first individual you spoke with?
6 A The last part of that again?
7 Q Was Ms. Iglesias the first individual
8 you spoke with --
9 A It was, yes.
10 Q -- during your investigation?
11 A Uh-huh.
12 Q And how long did your meeting with
13 Ms. Iglesias take?
14 A I don't remember.
15 Q Where did that meeting take place?
16 A As I remember it was in PD -- in the
17 police department.
18 Q And after you interviewed Ms. Iglesias
19 who did you next speak with?
20 A I think next I spoke with Officer Ford.
21 Q Did you speak with Officer Ford at the
22 police department as well?
23 A As I remember, yes.
24 Q And do you recall how long your meeting
25 with Ms. Ford --

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1 A I do not.
 2 Q Did you speak with Ms. Ford for longer
 3 than you spoke with Ms. Iglesias?
 4 A Probably not as long.
 5 Q What questions did you ask Ms. Ford?
 6 A I don't remember what the questions
 7 were. I wanted to know what her account was.
 8 Again, my goal in this was to seek to
 9 understand, to get facts that might be pertinent
 10 to this document.
 11 Q What were you seeking to understand?
 12 A I wanted to hear what Ms. Iglesias's
 13 view was and I heard that. She made certain
 14 comments about how Pat Ford was involved and so I
 15 went to Pat Ford and says tell me about your
 16 recollection of this event, and she did.
 17 Q What was Ms. Ford's recollection?
 18 A She didn't remember having any
 19 conversation with Ms. Iglesias about the subject.
 20 Q Did you next interview Chief Wolford?
 21 A I did.
 22 Q Did you interview Chief Wolford at the
 23 police department as well?
 24 A I did.
 25 Q Did all these interviews take place on

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1 the same day?
 2 A As I remember they did.
 3 Q And what did you ask Chief Wolford?
 4 A Just asked him an opinion about whether
 5 he thought Pat Ford might had known about the
 6 rumor.
 7 Q What was the chief's response?
 8 A He didn't think -- well, he certainly
 9 had no conversation with her and they -- that they
 10 did have a situation in which both of them were at
 11 lunch, a training situation out of town, and there
 12 would have been the opportunity to have said it
 13 but nothing about that came up.
 14 Q When you say both of them were at lunch
 15 who are you referring to?
 16 A Chief Wolford and Officer Ford.
 17 Q What would they have had an opportunity
 18 to discuss at lunch?
 19 A Any concern that Pat Ford might have
 20 had.
 21 Q Any concern Pat Ford might have had
 22 with respect to what matter?
 23 A The rumor concerning Melba Knott.
 24 Q How would Pat Ford have any knowledge
 25 of a rumor?

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1 A The contention is that she didn't. Her
 2 contention was that she didn't.
 3 Q What did you conclude as a result of
 4 your investigation?
 5 A Obviously could not and did not
 6 conclude that one or the other was -- was more
 7 truthful. And the punch line of what I said was
 8 that -- well, I guess, this document is privy to
 9 everybody so it's not a personnel matter?
 10 MS. DAVIS: It is a personnel
 11 matter but it relates to an investigation
 12 regarding Ms. Iglesias --
 13 A Okay. I --
 14 MS. DAVIS: -- and it is, I
 15 believe, subject to the confidentiality
 16 order.
 17 A Okay. My -- my recommendation was that
 18 both of these people be cautioned, warned.
 19 Q That both Ms. Iglesias and Officer
 20 Ford --
 21 A And Officer Ford, yes.
 22 Q Do you know if that caution --
 23 MS. DAVIS: At this point before he
 24 answers that we are going to need to make
 25 this part confidential and exclude

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1 Ms. Iglesias because that would be personnel
 2 with regard to Ms. Ford to the extent you're
 3 asking if --
 4 MS. RICE: With respect to making
 5 it confidential that's -- that's fine, but
 6 the exclusion of Ms. Iglesias is problematic.
 7 I mean, I don't see where the
 8 protective order requires her to be excluded
 9 from portions of the deposition.
 10 MS. DAVIS: If it's confidential
 11 personnel information about someone else
 12 she's not entitled to be present. It's in
 13 the -- her -- it's in the confidentiality
 14 order. It's in all the confidentiality
 15 orders.
 16 MS. RICE: Where is it? Where is
 17 it?
 18 MS. DAVIS: If you have the
 19 confidentiality order I can show you.
 20 MS. RICE: Yeah, I do.
 21 (Document handed to attorney for review.)
 22 MS. DAVIS: Okay. It's in
 23 paragraph 4C. Let me know when you're ready.
 24 MS. RICE: It's okay.
 25 MR. MONTEITH: She's got it.

<p style="text-align: right;">90</p> <p>1 MS. DAVIS: And just so the record 2 is clear. This is a normal part of all 3 confidentiality orders that the pivotal 4 concept is that while Ms. Iglesias is 5 certainly entitled to put her own personnel 6 information into question she is not entitled 7 under the statute to know all the details of 8 some other employees either current or former 9 personnel information including disciplinary 10 action except to the extent that information 11 is maintained as a public record under North 12 Carolina General Statutes. This is not 13 exclusive to Ms. Iglesias. It's a standard 14 provision in all confidentiality orders. 15 MS. RICE: I understand, but with 16 respect to her exclusion during the 17 deposition, I mean, that -- 18 MS. DAVIS: You're asking for 19 information that is confidential by statute. 20 So in order to allow Mr. Jenkins to answer it 21 we have to declare this portion of the 22 deposition confidential. 23 C says except upon further order of 24 the court confidential information and 25 information derived therefrom shall be</p>	<p style="text-align: right;">92</p> <p>1 another employee in violation of 160A-168. 2 (Interruption by the reporter.) 3 MS. DAVIS: North Carolina General 4 Statute 160A-168. Okay. 5 So what we're doing is we're 6 drawing a line. We're saying Ms. Iglesias is 7 certainly entitled to be present when 8 questions are asked and answered about what 9 happened to her and the basis for the 10 decisions that were made with respect to her, 11 but she is not however entitled under any law 12 that I'm aware of to know what happened to 13 another employee. 14 MS. RICE: Are you okay? 15 MR. MONTEITH: (Mr. Monteith nodded 16 head up and down.) 17 MS. RICE: I'll go back to that. 18 I'm going to ask Ms. Iglesias to leave at 19 this time. 20 Are you okay, Chuck? 21 (A brief recess was taken.) 22 BY MS. RICE: 23 Q We're are on Exhibit 70 -- Exhibit 70. 24 Mr. Jenkins, do you recall whether 25 Ms. Iglesias was warned following your</p>
<p style="text-align: right;">91</p> <p>1 disclosed only to counsel for the parties in 2 this action, their legal assistants and other 3 staff members, outside companies engaged by 4 attorneys for the parties to photocopy such 5 documents, public officials or employees of 6 defendant who provide material assistance in 7 the legal representation of the defendant, a 8 deponent in the action during their 9 deposition. Okay. When the confidential 10 materials are materially related to the 11 questions asked to or testimony of such 12 deponent, any court reporter utilized for 13 depositions in the course of this litigation 14 and their staff for the purposes of preparing 15 transcripts and experts consulted or 16 assisting the parties in this action and the 17 court and its regularly employed staff. 18 And the purpose for that is simple. 19 A plaintiff just simply can't learn about all 20 the personnel information of a public 21 employee simply by her filing their own 22 lawsuit. 23 It's a very limited exclusion but 24 it's a significant exclusion. We have 25 liability if we reveal what happened to</p>	<p style="text-align: right;">93</p> <p>1 investigation? 2 A If I remember correctly she was. 3 Q Did you assist in preparing the warning 4 that was received by Ms. Iglesias? 5 A I have no memory of assisting in that. 6 Q Did you consult with the city manager 7 regarding whether Ms. Iglesias should receive a 8 warning as a result of this incident? 9 A Did I consult with the city manager 10 about their appropriateness of -- 11 Q Of the issuance of a warning to 12 Ms. Iglesias. 13 A No, I did not. 14 Q Did you provide what's been marked as 15 Exhibit 70 to the city manager? 16 A I did. 17 Q Did you provide a copy of it to anyone 18 else? 19 A Just -- just the chief and the city 20 manager. 21 Q Okay. Do you recall when you made a 22 copy available to the chief? 23 A It would have been shortly thereafter. 24 Q Shortly after what? 25 A 9-2-04.</p>

<p style="text-align: right;">94</p> <p>1 Q And you didn't receive what was marked</p> <p>2 as 84 until some time in October; is that</p> <p>3 accurate?</p> <p>4 A Eight-four, oh. I would say -- and</p> <p>5 understand I'm guessing. I would say after</p> <p>6 October 5th of '84.</p> <p>7 Q Okay.</p> <p>8 MS. DAVIS: Of 2004?</p> <p>9 THE WITNESS: 2004.</p> <p>10 BY MS. RICE:</p> <p>11 Q Do you know why it took the chief a</p> <p>12 month to respond to your report?</p> <p>13 A I have no notion.</p> <p>14 Q Did Chief Wolford tell you that he was</p> <p>15 going to prepare a written response prior to</p> <p>16 providing this written response?</p> <p>17 A Don't -- don't recall that.</p> <p>18 Q When you say that you believe there</p> <p>19 have been a pattern of confidentiality breaches on</p> <p>20 the part of Ms. Iglesias over the past --</p> <p>21 (Interruption by the reporter.)</p> <p>22 Q In your report Exhibit 70 reads that it</p> <p>23 appears there's been a pattern of confidentiality</p> <p>24 breaches on the part of Ms. Iglesias over the</p> <p>25 past --</p>	<p style="text-align: right;">96</p> <p>1 confided information in and asked to go to the</p> <p>2 chief with her.</p> <p>3 Q That she asked to speak with the chief</p> <p>4 with her or be present while she spoke with the</p> <p>5 chief is that who you're referring to Jason Tingen</p> <p>6 was the individual that Ms. Iglesias asked to be</p> <p>7 present when she spoke with the chief?</p> <p>8 A Right, right.</p> <p>9 Q So that's the pattern that you're</p> <p>10 referring to?</p> <p>11 A Those issues -- those kinds of issues,</p> <p>12 yes.</p> <p>13 Q And when you state transferring -- you</p> <p>14 suggest that strong consideration be given to</p> <p>15 transferring Ms. Iglesias to a nonsensitive</p> <p>16 position. What -- what did you have in mind at</p> <p>17 that time?</p> <p>18 A It was -- it was beginning to be</p> <p>19 apparent that she should not be in a position</p> <p>20 where confidences are as vital as in the police</p> <p>21 department.</p> <p>22 Q What conversations did you have with</p> <p>23 Chief Wolford concerning Ms. Iglesias following</p> <p>24 your receipt of his October 2004 memo that was</p> <p>25 previously marked as 84?</p>
<p style="text-align: right;">95</p> <p>1 MS. DAVIS: What page are we on?</p> <p>2 MS. RICE: Page four.</p> <p>3 MS. DAVIS: Page four of Exhibit</p> <p>4 80.</p> <p>5 MS. RICE: Seventy.</p> <p>6 MS. DAVIS: Exhibit 70. Okay. All</p> <p>7 right.</p> <p>8 THE WITNESS: Your question?</p> <p>9 BY MS. RICE:</p> <p>10 Q And my question is what were you</p> <p>11 referring to when you say it appears there's been</p> <p>12 a pattern of confidentiality breaches on the part</p> <p>13 of Ms. Iglesias?</p> <p>14 A The items that are documented and for</p> <p>15 which you have a copy and that are in her file.</p> <p>16 Q And what -- what's your knowledge of</p> <p>17 what those items are?</p> <p>18 A Beginning with the first in which she</p> <p>19 and some of the command staff were in the chief's</p> <p>20 office and issues of confidentiality were stressed</p> <p>21 following the Melba Knott and the Jason Tingen</p> <p>22 issues.</p> <p>23 Q And the Jason Tingen issues what are</p> <p>24 you referring to?</p> <p>25 A Jason Tingen being the person that she</p>	<p style="text-align: right;">97</p> <p>1 A I do not recall any conversation that</p> <p>2 we had subsequent to this Exhibit 84 document.</p> <p>3 Q You don't recall discussing</p> <p>4 Ms. Iglesias with Chief Wolford at any point in</p> <p>5 time following October of 2004?</p> <p>6 A You changed the question. Do that --</p> <p>7 tell me the question you want me to answer.</p> <p>8 Q What conversations did you have with</p> <p>9 Chief Wolford following -- concerning Ms. Iglesias</p> <p>10 following your receipt of the document that's</p> <p>11 marked as 84?</p> <p>12 A Okay. Following this and pertaining to</p> <p>13 this I don't remember having a discussion at all</p> <p>14 with him concerning this.</p> <p>15 Q What conversations did you have with</p> <p>16 Chief Wolford after October of 2004 concerning</p> <p>17 Ms. Iglesias?</p> <p>18 A Wow. That's -- that's a very broad</p> <p>19 question. Do you have a particular subject you</p> <p>20 want to discuss or you're asking me to randomly</p> <p>21 remember discussions? I want to be helpful. Tell</p> <p>22 me.</p> <p>23 Q When did you speak with Chief Wolford</p> <p>24 concerning Ms. Iglesias following her receipt of</p> <p>25 written warning in or around October of 2004?</p>

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1 A I have no memory of when -- when or
2 even if there were those discussions.
3 Q Did Chief Wolford express his concerns
4 regarding Ms. Iglesias and her employment with the
5 police department after October 2004 with you at
6 any point in time?
7 A There were probably some conversations.
8 The subject of those conversations, the timing of
9 those conversations I just -- you know, I do not
10 recall. But obviously --
11 Q How did you learn that there was a
12 problem with Ms. Iglesias's transfer to the
13 position of police dispatcher?
14 A How did I learn?
15 Q Yes, sir.
16 A The chief and the city manager made me
17 privy to that.
18 Q Did they come and speak with you?
19 A I can't remember if they came to speak
20 or if it was on -- more than likely it was done in
21 person.
22 Q Did the police chief and the city
23 manager come together to speak with you?
24 A I don't remember if they were together,
25 but I was made aware that she took serious umbrage

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1 to being put in that lateral transfer.
2 Q What were you told?
3 A I was told that she considered herself
4 unqualified for the position and it made her very
5 nervous.
6 Q Can you see how that might be a
7 concern?
8 A That's a concern.
9 Q Would you please turn to Exhibit 74.
10 A Okay.
11 Q Have you had an opportunity to review
12 Exhibit 74?
13 A Give me just another minute, please.
14 Q Certainly.
15 A Okay.
16 Q Have you had an opportunity to review
17 74?
18 A I have.
19 Q And could you describe this document,
20 please?
21 A It appears that Chief Wolford is
22 writing to the city manager Tommy Marrow and to me
23 just as an FYI that -- that Channel 11 is being
24 contacted and that some of his officers are aware
25 of that. That he feels that it's kind of -- he

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1 feels that it's -- it's affecting his ability to
2 discipline other people if they're saying, you
3 know, what am I being corrected for when this
4 person is running rampant.
5 Q Were you aware that Ms. Iglesias had
6 made contact with a TV station prior to the
7 receipt of -- your receipt of the e-mail that's
8 marked as 74?
9 A We had been told that she had announced
10 to any number of people that she would do it. We
11 were not surprised when she did it and --
12 Q When you say by any number of people
13 who -- who are you referring to?
14 A The people in the police department
15 that she spent apparently a good bit of time
16 discussing it with.
17 Q So did those individuals come to you
18 personally and tell you?
19 A Not at that point.
20 Q Did they at some point?
21 A In a point later when it became totally
22 intolerable.
23 Q At a point later than January the 3rd,
24 2006?
25 A Just after that time as it turns out.

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1 Q When you say you weren't surprised it
2 happened because you'd been told by any number of
3 people who had you been told prior to your receipt
4 of what's been marked as 74?
5 I mean, who'd spoken with you regarding
6 Ms. Iglesias prior to --
7 A I don't remember people by name, but it
8 was just -- it was scuttlebutt if you will.
9 Q Was it rumor that Ms. Iglesias had been
10 talking to the press?
11 A It was.
12 Q I'm going to jump around again.
13 I believe this will be 85.
14 (Mr. Jenkins Deposition Exhibit
15 No. 85 was marked for
16 identification.)
17 (Document handed to witness for review.)
18 BY MS. RICE:
19 Q If you can take a moment to review 85
20 and let me know when you've had an opportunity to
21 do so.
22 A Okay.
23 Q Are you familiar with what's been
24 marked as 85?
25 A I am.

<p style="text-align: right;">102</p> <p>1 Q And could you describe it, please?</p> <p>2 A A document in which the city manager</p> <p>3 Tommy Marrow tasked me, dispatched me to look into</p> <p>4 the matter of confidentiality breach by</p> <p>5 Ms. Iglesias and see if we can find out who said</p> <p>6 what kind of thing.</p> <p>7 Q Is -- was the document how you became</p> <p>8 aware that you were being assigned to conduct this</p> <p>9 investigation?</p> <p>10 A That's true, it is.</p> <p>11 Q Did you discuss this assignment with</p> <p>12 Mr. Marrow prior to beginning your investigation?</p> <p>13 A I don't recall it but it's possible.</p> <p>14 Q Did Mr. Marrow give you any advice as</p> <p>15 to who to interview during the course of your</p> <p>16 investigation?</p> <p>17 A It was pretty apparent. No, he did</p> <p>18 not.</p> <p>19 Q And what did you understand was your</p> <p>20 responsibility in conducting this investigation?</p> <p>21 A To -- to try to understand what had</p> <p>22 happened and -- and who was complaisant and who</p> <p>23 was not.</p> <p>24 Q Why did you understand that you were</p> <p>25 being assigned to conduct the investigation?</p>	<p style="text-align: right;">104</p> <p>1 that's --</p> <p>2 THE WITNESS: Okay. I'm fine with</p> <p>3 it.</p> <p>4 MS. DAVIS: -- confidential except</p> <p>5 as to Ms. Iglesias --</p> <p>6 THE WITNESS: Okay. Okay.</p> <p>7 MS. DAVIS: -- and the folks that</p> <p>8 told you --</p> <p>9 THE WITNESS: I'll give you the</p> <p>10 most classic example. Most classic example</p> <p>11 is a custodian in the building. This</p> <p>12 custodian is a long-term employee and while</p> <p>13 he does his job okay he's not a candidate to</p> <p>14 be police chief. And he comes to me to tell</p> <p>15 me the story about -- he is also a pastor in</p> <p>16 the African American community.</p> <p>17 He came to me emotionally</p> <p>18 distraught to the point of tears to tell me</p> <p>19 that this lady was trying to get him to go</p> <p>20 out into the African American community and</p> <p>21 discredit him, the chief. That's an example.</p> <p>22 BY MS. RICE:</p> <p>23 Q And who was that?</p> <p>24 A Who was that person?</p> <p>25 Q Yes.</p>
<p style="text-align: right;">103</p> <p>1 A The situation came up and the chief who</p> <p>2 would normally do internal investigations or task</p> <p>3 somebody else to do internal investigations, both</p> <p>4 because it was a personnel matter and didn't --</p> <p>5 and didn't -- was nobody else's business in his</p> <p>6 agency and because it -- it had to do with him, he</p> <p>7 recused himself and asked the manager to appoint</p> <p>8 someone else.</p> <p>9 Q How did it have to do with him?</p> <p>10 A Only had to do with him only because of</p> <p>11 the turmoil that was going on. It was a pretty</p> <p>12 classy thing to do.</p> <p>13 Q By turmoil what are you referring to?</p> <p>14 A The disruptiveness in the police</p> <p>15 department.</p> <p>16 Q What disruptiveness?</p> <p>17 A Ms. Iglesias going to person after</p> <p>18 person telling them information, trying to get</p> <p>19 them to side with her against her boss, the chief.</p> <p>20 That kind of disruptiveness.</p> <p>21 Q How were you aware of that?</p> <p>22 A People told me about that.</p> <p>23 Q What people?</p> <p>24 A Names?</p> <p>25 MS. DAVIS: Yeah, I don't think</p>	<p style="text-align: right;">105</p> <p>1 A His name is Ronnie Davis.</p> <p>2 Q When did Mr. Davis come to you?</p> <p>3 A I don't recall the date. In and around</p> <p>4 this time.</p> <p>5 Q In and around August of 2004?</p> <p>6 A Could have been later than that. It</p> <p>7 still serves as an example.</p> <p>8 Q Who else came to you?</p> <p>9 A Officer Ford came to me at some point,</p> <p>10 and I don't remember before or after, saying that</p> <p>11 Ms. Iglesias had visited her in her home with the</p> <p>12 same agenda to the extent that Ms. Ford's husband</p> <p>13 is alleged to have gotten angry and run her -- run</p> <p>14 her out.</p> <p>15 Q Run who out?</p> <p>16 A Run Ms. Iglesias out of the house.</p> <p>17 That's rumor. That's rumor. I can't substantiate</p> <p>18 that of course. That's what I'm hearing.</p> <p>19 Those are the kinds of reasons why the</p> <p>20 chief recused himself and said somebody else ought</p> <p>21 to do this.</p> <p>22 Q Did anybody else come to you besides</p> <p>23 Ronnie Davis and Officer Ford?</p> <p>24 A Yes.</p> <p>25 Q Who else?</p>

<p style="text-align: right;">106</p> <p>1 A Captain Glen Boyd.</p> <p>2 Q Was he a captain at that time?</p> <p>3 A I don't think he was promoted just yet.</p> <p>4 He was still probably a lieutenant at that time.</p> <p>5 Q And what did --</p> <p>6 A Officer Gordan Blackwell a sergeant at</p> <p>7 that time.</p> <p>8 Q Anyone else?</p> <p>9 A I'm thinking. Probably but the names</p> <p>10 allude me -- specific names right now.</p> <p>11 Q When did Glen Boyd come to you?</p> <p>12 A I don't recall the date.</p> <p>13 Q Was it in 2004?</p> <p>14 A Glen Boyd came lots of times. He felt</p> <p>15 that he owed his officers certain explanations and</p> <p>16 he couldn't give them to them.</p> <p>17 Q And Sergeant Gordan Blackwell when did</p> <p>18 he come to you?</p> <p>19 A It would have been after this -- after</p> <p>20 this incident here.</p> <p>21 MS. DAVIS: For the record,</p> <p>22 Mr. Jenkins is pointing to Exhibit --</p> <p>23 THE WITNESS: That is October 5th,</p> <p>24 2004.</p> <p>25 I'm sorry, we're on 85, aren't we.</p>	<p style="text-align: right;">108</p> <p>1 A To the chief and to anybody else who</p> <p>2 would come to me and say -- like an example would</p> <p>3 be again Gordan Blackwell. That if you have these</p> <p>4 concerns we're now asking people just to document</p> <p>5 those concerns.</p> <p>6 Q When did you make that suggestion to</p> <p>7 the chief?</p> <p>8 A I don't remember the time.</p> <p>9 Q Was it --</p> <p>10 A It would probably have been late in</p> <p>11 '05.</p> <p>12 Q Late in '05?</p> <p>13 A Uh-huh.</p> <p>14 Q Do you know if Chief Wolford took you</p> <p>15 up on that suggestion?</p> <p>16 A He did.</p> <p>17 Q How do you know that he did?</p> <p>18 A We received documents from people.</p> <p>19 Q You personally received documents from</p> <p>20 people?</p> <p>21 A They were passed on to me indirectly.</p> <p>22 I mean, they were not addressed to me but they</p> <p>23 came to me.</p> <p>24 Q Did they come to you from the chief?</p> <p>25 A Chief or the captain, one or the other.</p>
<p style="text-align: right;">107</p> <p>1 MS. DAVIS: So for the record, Mr.</p> <p>2 Jenkins is pointing to Exhibit 85 then?</p> <p>3 THE WITNESS: Yeah.</p> <p>4 MS. DAVIS: Okay.</p> <p>5 BY MS. RICE:</p> <p>6 Q So then some time after October of 2004</p> <p>7 that Sergeant Gordan Blackwell came to you?</p> <p>8 A It would have been after that.</p> <p>9 Q Okay. How long after that?</p> <p>10 A I don't know.</p> <p>11 Q More than a month?</p> <p>12 A I'd say more than a month, less than</p> <p>13 two. I'm sorry, I can't -- I don't -- specificity</p> <p>14 alludes me.</p> <p>15 Q Did you take notes with respect to any</p> <p>16 of these conversations that you had?</p> <p>17 A At that time, no.</p> <p>18 Q Was there another time that you kept</p> <p>19 notes?</p> <p>20 A There was another time that -- that I</p> <p>21 made the suggestion that these people had -- who</p> <p>22 had the issues that they begin to give notes to</p> <p>23 the chief regarding their concerns, that they</p> <p>24 reduce to writing the issues that they had.</p> <p>25 Q To whom did you make that suggestion?</p>	<p style="text-align: right;">109</p> <p>1 Captain Boyd.</p> <p>2 Q Okay. And when did you receive those</p> <p>3 documents?</p> <p>4 A Late December or -- or some time in</p> <p>5 December or January -- December of '05 or January</p> <p>6 of '06.</p> <p>7 Q When Officer Ford came to see you did</p> <p>8 you ask her to provide you with a written</p> <p>9 statement?</p> <p>10 A Officer Ford?</p> <p>11 Q Yes, sir.</p> <p>12 A I -- I did not get a visit. I don't</p> <p>13 remember a visit from Officer Ford. But she would</p> <p>14 have been one of the people more than likely who</p> <p>15 would have said enough already and I would have</p> <p>16 said reduce it to writing.</p> <p>17 Q How long have you known Officer Ford?</p> <p>18 A I believe the entire time that I've</p> <p>19 been with the city, so almost nine years.</p> <p>20 Q Did you know her before you came to the</p> <p>21 City of Oxford?</p> <p>22 A Not at all.</p> <p>23 Q Have you had any relationship with her</p> <p>24 outside of work?</p> <p>25 A Yes.</p>

<p style="text-align: right;">110</p> <p>1 Q What was the nature of that 2 relationship? 3 A At one time she and her now husband 4 rented a house that I owned. 5 Q Is that a house in Oxford? 6 A It is. 7 Q How long did she rent from you? 8 A About a year probably. 9 Q When was that approximately? 10 A Between '02 and '04 would just be a 11 wild guess. I just simply don't remember. 12 Q She's no longer renting from you; is 13 that -- 14 A That's true. 15 Q Did you socialize -- or have you 16 socialized with Chief Wolford outside of work on 17 any occasion? 18 A Sure. 19 Q Beginning when? 20 A During his interview. 21 Q Did you go to dinner or how did you 22 socialize? 23 A Part of the assessment process was a 24 dinner in which he and other candidates were 25 there.</p>	<p style="text-align: right;">112</p> <p>1 Q What church is that? 2 A Oxford United Methodist. 3 Q Have you socialized with Glen Boyd 4 outside of work? 5 A City functions. 6 Q Anything other than city functions? 7 A No. 8 Q And Mr. Marrow -- Tommy Marrow have you 9 socialized with him outside of work? 10 A Christmas functions, one fishing trip 11 and I sang in his daughter's wedding. 12 Q Where is Mr. Marrow presently employed? 13 A The Town of Butner. 14 Q When did he go to the Town of Butner? 15 A Late January, early February as I 16 remember. 17 Q Of 2008? 18 A Yes. 19 Q Have you kept in touch with him since 20 then? 21 A Not so much. 22 Q Have you talked to him at all since -- 23 A Oh, yes, we've talked a couple of 24 times. 25 Q Have you talked about this case?</p>
<p style="text-align: right;">111</p> <p>1 Q All the candidates together? 2 A Yes. 3 Q And after he was employed with the City 4 of Oxford did you continue to socialize with him 5 on occasion? 6 A Sure. 7 Q And what would your socializing 8 entail -- involve? 9 A Lunches, city affairs, picnics, 10 Christmas parties, those kinds of things. 11 Q Has he come to your home? 12 A He has been to my home. 13 Q Have you been to his residence as well? 14 A I have been in his house not for a 15 social affair. 16 Q How often has he come to your house? 17 A Twice -- three times. Three times 18 counting a choir picnic. 19 Q A choir picnic? 20 A Uh-huh. 21 Q Is that a church choir? 22 A That's a church choir. And he's not 23 the singer. That's his wife. 24 Q Do you all attend the same church? 25 A We do.</p>	<p style="text-align: right;">113</p> <p>1 A Not about the case. We had a 2 conversation about dates. 3 Q About dates for? 4 A This depositions. 5 Q Have you seen him -- have you seen 6 Mr. Marrow since he left his employment with the 7 City of Oxford? 8 A He was in the meeting in the city hall 9 within the last probably 60 days. 10 MS. DAVIS: And, Mr. Jenkins, to 11 the extent you're referring to the meeting 12 that occurred with me I'm going to ask you 13 not to reveal any of the specifics of that 14 meeting. That would be attorney/client 15 privilege. 16 THE WITNESS: Okay. 17 BY MS. RICE: 18 Q Who else was present at that meeting? 19 A He was there for a meeting and I was 20 not in the meeting but I spoke to him. 21 Q And have you seen him on any other 22 occasion since he left the City of Oxford -- 23 employment with the City of Oxford I should say? 24 A I don't remember any other occasions. 25 Q Did you participate in the decision to</p>

<p style="text-align: right;">114</p> <p>1 discharge Ms. Iglesias from her employment with 2 the City of Oxford? 3 A Explain participate. 4 Q Were you -- did you meet with Chief 5 Welford prior to Ms. Iglesias being discharged 6 from employment? 7 A I'm sure we had a conversation about 8 that. 9 Q Were you aware that Chief Welford was 10 contemplating that personnel action? 11 A I was aware that he was contemplating. 12 Q How were you made aware that he was 13 contemplating? 14 A He told me. 15 Q What did he tell you? 16 A He told me he was considering 17 termination. 18 Q When did Chief Welford tell you he was 19 considering termination? 20 A January of '06 probably. 21 Q Had he ever told you he was considering 22 termination prior to January 2006? 23 A I don't recall any incidences but it 24 would have been likely. 25 Q Did you assist in the preparation of</p>	<p style="text-align: right;">116</p> <p>1 Ms. Iglesias received this document? 2 A I don't remember hearing about a 3 reaction. 4 Q How did you learn that Ms. Iglesias had 5 in fact been discharged? 6 A The chief told me. 7 Q When did he tell you? 8 A Immediately after would be my guess. 9 Q Does personnel policy require a 10 pre-disciplinary conference? 11 A Conference, yes. 12 Q And could you describe what a 13 pre-disciplinary conference is? 14 A A conference is simply confronting the 15 employee with certain issues, giving them an 16 opportunity to speak to that issue and then 17 they're getting a decision regarding that in X 18 number of days, typically about three days. 19 In the case here what you will see is 20 the first two paragraphs are exactly that in which 21 I asked the chief to pause at that time and to 22 give Ms. Iglesias any opportunity to say anything 23 she wanted to about it, to consider her 24 information before he went on to the final 25 paragraph.</p>
<p style="text-align: right;">115</p> <p>1 the letter discharging Ms. Iglesias -- 2 A No. 3 Q -- from her employment? 4 A No, I did not. 5 Q Did you review that document prior to 6 it being provided to Ms. Iglesias? 7 A I did not. 8 Q When did you become aware of the 9 contents of the letter of termination? 10 A Just before it was served. 11 Q If I can ask you to turn to Exhibit 77 12 in the binder, please. 13 A Okay. 14 Q Have you had an opportunity to review 15 that document? 16 A I have. 17 Q Are you familiar with it? 18 A I am. 19 Q And is this the letter that was issued 20 to Ms. Iglesias terminating her from employment? 21 A Yes. 22 Q Were you present when Ms. Iglesias 23 received this document? 24 A No. 25 Q What were you told as to how</p>	<p style="text-align: right;">117</p> <p>1 Q You advised the chief to read the first 2 two paragraphs or -- 3 A Yes. 4 Q -- what was the advice that you gave 5 the chief specifically? 6 A That he serve the first two paragraphs 7 and that he pause and give her an opportunity to 8 respond any way she wanted to, to take any 9 evidence that she was able to give him into 10 consideration before he served the final 11 paragraph. 12 Q So it's your recommendation he serve 13 two different documents? I don't want to 14 put words in your mouth. 15 A No, it was all in one document, but 16 just simply stop after the second paragraph and 17 before the third. 18 Q Okay. And stop just momentarily? 19 A Stop, take any amount of time in which 20 she might have wanted to say anything she wanted 21 to say in defense as long as it took. 22 Q Do you know if Chief Welford took your 23 advice? 24 A He told me he did. 25 Q What did he tell you?</p>

<p style="text-align: right;">118</p> <p>1 A He told me that he did exactly as I</p> <p>2 asked him to or advised him to.</p> <p>3 Q Did he come to you and say I did</p> <p>4 exactly as you told me to or what were his words?</p> <p>5 A After it was over and I saw the</p> <p>6 document I asked him did you, and he said he did.</p> <p>7 Q Did he elaborate any further?</p> <p>8 A No.</p> <p>9 Q Were you aware -- were you aware --</p> <p>10 excuse me.</p> <p>11 Did Ms. Iglesias grieve her termination</p> <p>12 from employment?</p> <p>13 (Interruption.)</p> <p>14 MS. DAVIS: You want to take just a</p> <p>15 quick break?</p> <p>16 MS. RICE: Okay.</p> <p>17 (A brief recess was taken.)</p> <p>18 BY MS. RICE:</p> <p>19 Q Were you aware if Ms. Iglesias grieved</p> <p>20 her discharge from employment?</p> <p>21 A Yes --</p> <p>22 Q How did --</p> <p>23 A -- as I remember.</p> <p>24 Q How did you become aware of</p> <p>25 Ms. Iglesias's grievance?</p>	<p style="text-align: right;">120</p> <p>1 Q What are you referring to with respect</p> <p>2 to Ms. Iglesias spending city time? What are you</p> <p>3 referring to when you say Ms. Iglesias spends city</p> <p>4 time --</p> <p>5 A The numerous documents that you have in</p> <p>6 your possession and are aware of the very lengthy</p> <p>7 documents.</p> <p>8 Q And how are you aware that Ms. Iglesias</p> <p>9 spent city time creating those documents?</p> <p>10 A Let me just say that I am not totally</p> <p>11 aware of that, but it is -- it is my guess. I</p> <p>12 have been told that by the chief, but I do not</p> <p>13 know that. And I am glad to make that</p> <p>14 clarification.</p> <p>15 Q What did the chief tell you with</p> <p>16 respect to Ms. Iglesias's use of city time?</p> <p>17 A That he suspected that these documents</p> <p>18 had been done from her office on her computer.</p> <p>19 Q Did Chief Wolford tell you why he</p> <p>20 suspected --</p> <p>21 A No.</p> <p>22 Q -- these documents had been done?</p> <p>23 A No.</p> <p>24 Q What documents are you referring to?</p> <p>25 A Any number of the ones you see. An</p>
<p style="text-align: right;">119</p> <p>1 A It was -- there had been an enormous</p> <p>2 amount of these kinds of things so give me a</p> <p>3 moment to put this in perspective.</p> <p>4 Q Sure.</p> <p>5 A As I remember a grievance hearing was</p> <p>6 scheduled, and -- and I was involved with that</p> <p>7 grievance hearing.</p> <p>8 Q Were you surprised that Ms. Iglesias</p> <p>9 grieved her discharge?</p> <p>10 A Not at all.</p> <p>11 Q Why not, Mr. Jenkins?</p> <p>12 A That's her -- that's what she does.</p> <p>13 Q What do you mean that's what she does?</p> <p>14 A That's her MO if you will.</p> <p>15 Q What do you mean by MO?</p> <p>16 A That is her modus operandi.</p> <p>17 (Interruption by the reporter.)</p> <p>18 A That's -- that's what she does.</p> <p>19 That's -- modus operandi.</p> <p>20 Q What do you mean that's what she does?</p> <p>21 A The lady spends no small amount of time</p> <p>22 both on city time and lord knows wherever else</p> <p>23 creating documents and that kind of thing.</p> <p>24 Q Why do you say that?</p> <p>25 A Because it's true.</p>	<p style="text-align: right;">121</p> <p>1 example would be -- well, any number of these very</p> <p>2 lengthy documents that -- that she has.</p> <p>3 First one that comes to mind was about</p> <p>4 four or five pages of a withdrawal from a class</p> <p>5 that she was attending.</p> <p>6 Q What class?</p> <p>7 A Class called The Seven Habits of Highly</p> <p>8 Effective People.</p> <p>9 Q And was that a class through the city?</p> <p>10 A It was.</p> <p>11 Q What was the purpose of that class?</p> <p>12 A The purpose of the class was to try to</p> <p>13 create a culture in the organization of</p> <p>14 communications and trust.</p> <p>15 Q Was it your idea to offer this class?</p> <p>16 A It was largely my idea.</p> <p>17 Q Who else's idea was it?</p> <p>18 A It was the city manager's idea, it was</p> <p>19 the idea of a local plant manager who -- who</p> <p>20 brought the department heads into his plant and he</p> <p>21 tied himself to all of us. He went to city</p> <p>22 council and discussed that. And the consensus of</p> <p>23 the department heads by then who had the class</p> <p>24 themselves.</p> <p>25 Q When was this class offered?</p>

<p style="text-align: right;">122</p> <p>1 A I'm sorry?</p> <p>2 Q When was this class offered?</p> <p>3 A It was offered several times in the</p> <p>4 early 2000s going forward. We probably had easily</p> <p>5 55 or so percent of our employees to do that, and</p> <p>6 the goal was to do everybody.</p> <p>7 Q Was it required?</p> <p>8 A It was not required.</p> <p>9 Q And, I believe, you testified that</p> <p>10 Ms. Iglesias withdrew from the class?</p> <p>11 A She withdrew.</p> <p>12 Q Did that bother you?</p> <p>13 A You're asking for a personal --</p> <p>14 Q Yes, sir.</p> <p>15 A The reasons from withdrawal bothered me</p> <p>16 personally not as a city employee, but bothered me</p> <p>17 personally, yes.</p> <p>18 Q Why did they bother you personally?</p> <p>19 A Are you ready for this? You want to go</p> <p>20 there?</p> <p>21 Q Yes, sir.</p> <p>22 A Because I considered it bigoted.</p> <p>23 Q In what respect?</p> <p>24 A Virtually every respect.</p> <p>25 Q What were the reasons Ms. Iglesias</p>	<p style="text-align: right;">124</p> <p>1 A Very nicely, thank you.</p> <p>2 Q And where was that?</p> <p>3 A What companies?</p> <p>4 Q Yes, sir.</p> <p>5 A Capital Associated Industries, EMC</p> <p>6 Square, Talacrist (phonetic), Bank of Oakridge,</p> <p>7 North Carolina Association of County</p> <p>8 Commissioners, Cooper Tools several times, CAI</p> <p>9 several times, the EMC Square three times.</p> <p>10 Q But not for the City of Oxford you</p> <p>11 weren't compensated for teaching that course for</p> <p>12 the City of Oxford --</p> <p>13 A That's true.</p> <p>14 Q -- to the City of Oxford?</p> <p>15 If I could ask you to turn to what was</p> <p>16 previously marked as Exhibit 79. Let me know when</p> <p>17 you've had a chance to review it.</p> <p>18 A Okay.</p> <p>19 Q Are you familiar with the document</p> <p>20 marked as --</p> <p>21 A I am.</p> <p>22 Q -- Exhibit 79?</p> <p>23 A Uh-huh.</p> <p>24 Q And can you describe this document,</p> <p>25 please?</p>
<p style="text-align: right;">123</p> <p>1 withdrew from the class to your knowledge?</p> <p>2 A According to her document as I remember</p> <p>3 it because the author of the book and the author</p> <p>4 of the course was a devote Mormon.</p> <p>5 Q And that's -- that was the contents of</p> <p>6 this four to five page document?</p> <p>7 (Interruption.)</p> <p>8 MS. RICE: Let's take a break.</p> <p>9 (Lunch break.)</p> <p>10 BY MS. RICE:</p> <p>11 Q Mr. Jenkins, before we took that break,</p> <p>12 I believe, we were talking about the course of</p> <p>13 Seven Habits of Highly Effective People course.</p> <p>14 A Okay.</p> <p>15 Q Were you compensated in any way for</p> <p>16 administering that course?</p> <p>17 A I'm sorry?</p> <p>18 Q Were you compensated financially --</p> <p>19 A No --</p> <p>20 Q -- in any way?</p> <p>21 A -- not when I did it for the city.</p> <p>22 Q Had you been previously compensated for</p> <p>23 teaching that course?</p> <p>24 A Elsewhere?</p> <p>25 Q Yes, sir.</p>	<p style="text-align: right;">125</p> <p>1 A It's just a documentation of some</p> <p>2 things that the mayor made me aware of. There is</p> <p>3 a couple of typos in here as it turns out.</p> <p>4 The first sentence should be doing</p> <p>5 espionage and -- espionage. And the third</p> <p>6 sentence up, Susan has now concluded their names.</p> <p>7 But, yeah, I'm familiar with this.</p> <p>8 Q Did you create this document?</p> <p>9 A I did.</p> <p>10 Q And when did you create this document?</p> <p>11 A February 11th of '05.</p> <p>12 Q Why did you document these personnel</p> <p>13 issues?</p> <p>14 A It's what I do. If the document is not</p> <p>15 written then it doesn't exist. It was really very</p> <p>16 much all about documenting all the things that</p> <p>17 were going on at the time simply for that.</p> <p>18 Q How did the mayor make you -- well,</p> <p>19 excuse me. Let me start over again.</p> <p>20 You state in the first sentence the</p> <p>21 mayor has made us aware. Who are the -- who is</p> <p>22 the us that you're referring to?</p> <p>23 A I don't know that I remember who all</p> <p>24 that might have been. More than likely the city</p> <p>25 manager and me.</p>

<p style="text-align: right;">126</p> <p>1 Q And how did the mayor make you aware?</p> <p>2 A Verbally.</p> <p>3 Q Did he come to your office?</p> <p>4 A Don't remember whose office it was in.</p> <p>5 Q Was it during a workday?</p> <p>6 A It was.</p> <p>7 Q And what did the mayor say?</p> <p>8 A Just what's written. That Ms. Iglesias</p> <p>9 was doing espionage for Mrs. Currin who is a -- or</p> <p>10 was a city commissioner.</p> <p>11 Q Was espionage the word that the mayor</p> <p>12 used?</p> <p>13 A Don't remember if he used that word.</p> <p>14 Q And just for the record, who was the</p> <p>15 mayor at that time?</p> <p>16 A The mayor's name is Al Woodlief.</p> <p>17 Q So you don't recall if espionage was --</p> <p>18 A I don't know if it was his word or</p> <p>19 mine.</p> <p>20 Q Okay. And how do you define espionage?</p> <p>21 A Espionage is -- is doing covert</p> <p>22 investigations or just investigations it could be.</p> <p>23 Q And in the second sentence what were</p> <p>24 you referring to with respect to expenses Chief</p> <p>25 Wolford incurred in meetings in Raleigh?</p>	<p style="text-align: right;">128</p> <p>1 A I have.</p> <p>2 Q When did you last speak with</p> <p>3 Ms. Wolford?</p> <p>4 A Don't know.</p> <p>5 Q Has it been in the last year?</p> <p>6 A No.</p> <p>7 Q Last two years?</p> <p>8 A It would have been whenever she left</p> <p>9 town. It's been two or three years ago.</p> <p>10 Q Whenever she moved from Oxford?</p> <p>11 A Yeah.</p> <p>12 Q How long was your conversation with the</p> <p>13 mayor on or around February 11th, 2005?</p> <p>14 A Five, ten minutes maybe.</p> <p>15 Q I don't know if it's a separate</p> <p>16 paragraph, but the sentence beginning after</p> <p>17 several months of Susan Wolford telling John that</p> <p>18 she had no conversations or dealings with Frank</p> <p>19 Strickland was that something that the mayor had</p> <p>20 shared with you or is that your own personal</p> <p>21 recollection?</p> <p>22 A I don't remember how I -- how I heard</p> <p>23 that.</p> <p>24 Q You don't recall how you heard that</p> <p>25 Susan had not included their names on a list of</p>
<p style="text-align: right;">127</p> <p>1 A It's been a long time, but apparently</p> <p>2 chief was in a meeting in Raleigh and Ms. Iglesias</p> <p>3 took overage to his expenses that he turned in</p> <p>4 subsequent to the trip.</p> <p>5 Q When you stated it is obvious that</p> <p>6 Ms. Currin has been involved why -- why did you</p> <p>7 say it is obvious?</p> <p>8 A She didn't keep any secrets.</p> <p>9 Q Who doesn't keep any secrets? Who</p> <p>10 doesn't keep any secrets?</p> <p>11 A Ms. Currin.</p> <p>12 Q So did Ms. Currin say something to you</p> <p>13 personally?</p> <p>14 A Said something to the mayor.</p> <p>15 Q How do you know that?</p> <p>16 A He told me.</p> <p>17 Q What did the mayor tell you that</p> <p>18 Ms. Currin said to him?</p> <p>19 A The things that are reported in the</p> <p>20 document here. The whole spending \$5,000 of her</p> <p>21 own money and raising five more and all that</p> <p>22 stuff, hour on the phone.</p> <p>23 Q Who is Susan Wolford?</p> <p>24 A That is Chief Wolford's former wife.</p> <p>25 Q Have you met Ms. Wolford?</p>	<p style="text-align: right;">129</p> <p>1 witnesses?</p> <p>2 A And that should be Susan has now</p> <p>3 included their names. I don't remember who told</p> <p>4 me that.</p> <p>5 Q Do you know who would have had access</p> <p>6 to that information?</p> <p>7 A Certainly the chief would have.</p> <p>8 Q Do you know if anybody else --</p> <p>9 A No.</p> <p>10 Q And the last sentence. When John asked</p> <p>11 Susan about this, she admitted she had not been</p> <p>12 truthful. How were you aware of that?</p> <p>13 A He told me.</p> <p>14 Q When did he tell you?</p> <p>15 A Just before this document.</p> <p>16 Q Was it before the mayor had come and</p> <p>17 spoken with you?</p> <p>18 A I'm sure it was.</p> <p>19 Q If I can ask you to turn to what was</p> <p>20 previously marked as Exhibit 83, please.</p> <p>21 A Okay.</p> <p>22 Q Are you familiar with what's been</p> <p>23 marked as Exhibit 83?</p> <p>24 A I've read it.</p> <p>25 Q Have you seen this document prior to</p>

<p style="text-align: right;">130</p> <p>1 today?</p> <p>2 A I have.</p> <p>3 Q Did you create Exhibit 83?</p> <p>4 A No.</p> <p>5 Q When did you become aware of its --</p> <p>6 A Shortly after it was written.</p> <p>7 Q -- existence?</p> <p>8 On or around January 25th of 2006?</p> <p>9 A Yes.</p> <p>10 Q And what is your understanding of this</p> <p>11 document?</p> <p>12 A That for whatever reason that Chief</p> <p>13 Wolford thought he had nothing to hide and</p> <p>14 anything you needed to do just do it.</p> <p>15 Q Do you know who prepared what's been</p> <p>16 marked as Exhibit 83?</p> <p>17 A I do not.</p> <p>18 MS. RICE: I believe we are on 86.</p> <p>19 (Mr. Jenkins Deposition Exhibit</p> <p>20 No. 86 was marked for</p> <p>21 identification.)</p> <p>22 (Document handed to witness for review.)</p> <p>23 BY MS. RICE:</p> <p>24 Q If I can ask you to review what has</p> <p>25 been marked as Exhibit 86, please.</p>	<p style="text-align: right;">132</p> <p>1 decide whether he would go forward with it.</p> <p>2 Q And decide whether he would go forward</p> <p>3 with the dismissal?</p> <p>4 A As a result of anything she had -- any</p> <p>5 evidence that she had.</p> <p>6 Q Any evidence that she may present</p> <p>7 between the reading of the first two paragraphs</p> <p>8 and the final paragraph?</p> <p>9 A He gave her time -- all the time she</p> <p>10 might have needed to consider, and having heard</p> <p>11 that and considered that he then chose to go onto</p> <p>12 the third paragraph.</p> <p>13 Q And your knowledge of what occurred</p> <p>14 during that meeting is based on your conversations</p> <p>15 with the chief?</p> <p>16 A Yes.</p> <p>17 Q Did you speak with anyone else</p> <p>18 concerning that meeting?</p> <p>19 A No.</p> <p>20 Q Do you know who else was present?</p> <p>21 A From memory a couple -- or three people</p> <p>22 from the command staff.</p> <p>23 Q Why didn't you attend this meeting?</p> <p>24 A I do not -- it's not indicated that I</p> <p>25 be a part of that process. If they appeal it to</p>
<p style="text-align: right;">131</p> <p>1 A Would you like me to read it in its</p> <p>2 entirety?</p> <p>3 Q No, sir. Are you familiar with what --</p> <p>4 what's been marked as 86?</p> <p>5 A I am.</p> <p>6 Q And could you describe it, please?</p> <p>7 A It's a section from our policy manual</p> <p>8 which discusses parts of three items.</p> <p>9 Q Okay. And with respect to section six,</p> <p>10 pre-dismissal conference is this the -- the</p> <p>11 procedure that you were describing earlier?</p> <p>12 A It is.</p> <p>13 Q And what's your understanding of your</p> <p>14 role in the pre-dismissal conference?</p> <p>15 A My role is -- is to -- to monitor the</p> <p>16 process, to be sure the process is done according</p> <p>17 to policy.</p> <p>18 Q How did you monitor the process with</p> <p>19 respect to Ms. Iglesias's termination from</p> <p>20 employment?</p> <p>21 A As I said before, suggestion that when</p> <p>22 the chief prepare the document that he pause after</p> <p>23 the first two paragraphs of that document, give</p> <p>24 opportunity for Ms. Iglesias to say as much as she</p> <p>25 wanted to say, consider that as some evidence and</p>	<p style="text-align: right;">133</p> <p>1 me I would rather not have been there.</p> <p>2 Q Why is that?</p> <p>3 A Just the way I do business. I don't</p> <p>4 make decisions on those kinds of things, so I'm</p> <p>5 not there.</p> <p>6 Q You don't make decisions on what kind</p> <p>7 of things?</p> <p>8 A On people being terminated.</p> <p>9 Q Do you make recommendations?</p> <p>10 A I have.</p> <p>11 Q What is your knowledge of the concerns</p> <p>12 that Ms. Iglesias had raised to an auditor in May</p> <p>13 of 2004?</p> <p>14 A What are my --</p> <p>15 Q What's your knowledge of --</p> <p>16 A Oh, my knowledge?</p> <p>17 Q Yes, sir.</p> <p>18 A I am aware that -- that she made some</p> <p>19 allegations that there was a shortage of money in</p> <p>20 the drug fund.</p> <p>21 Q By drug fund what were you referring</p> <p>22 to?</p> <p>23 A That is a pool of money that is used</p> <p>24 for undercover work.</p> <p>25 Q Did you speak with Chief Wolford</p>

<p style="text-align: right;">134</p> <p>1 concerning the drug fund?</p> <p>2 A No.</p> <p>3 Q Do you know what investigation was</p> <p>4 conducted into Ms. Iglesias's allegations</p> <p>5 concerning the chief's use?</p> <p>6 A Only what I heard.</p> <p>7 Q What did you hear?</p> <p>8 A I heard that the city auditor had done</p> <p>9 a complete examination of the books and that he</p> <p>10 gave it a clean audit.</p> <p>11 Q Who told you?</p> <p>12 A City manager.</p> <p>13 Q When did the city manager tell you?</p> <p>14 A Just after it happened.</p> <p>15 Q In May of 2004?</p> <p>16 A Is that the date?</p> <p>17 Q Well, when do you recall --</p> <p>18 A I don't remember the date.</p> <p>19 Q Were you told of any other</p> <p>20 investigation that was done concerning the</p> <p>21 allegations raised by Ms. Iglesias?</p> <p>22 A I had heard that the SBI came to</p> <p>23 town --</p> <p>24 Q How did you hear that?</p> <p>25 A -- on one or two occasions.</p>	<p style="text-align: right;">136</p> <p>1 A No.</p> <p>2 Q And who requested the drug fund ledger?</p> <p>3 A Her friend Frank Strickland.</p> <p>4 Q Whose friend?</p> <p>5 A Ms. Iglesias.</p> <p>6 Q When did Frank Strickland make this</p> <p>7 request?</p> <p>8 A I don't remember the date.</p> <p>9 Q Did you provide a copy of the drug fund</p> <p>10 ledger to Mr. Strickland?</p> <p>11 A No.</p> <p>12 Q How did he receive a copy of the drug</p> <p>13 fund ledger?</p> <p>14 A I don't remember. I don't remember</p> <p>15 how -- how it got into his hands.</p> <p>16 Q When did you see the redacted copy of</p> <p>17 the ledger?</p> <p>18 A Pretty soon after his request, but I</p> <p>19 have no notion what date that was or month.</p> <p>20 Q Did you review the ledger yourself?</p> <p>21 A It didn't make any sense to me. I just</p> <p>22 glanced at it and that was it.</p> <p>23 Q Did you review any other documents in</p> <p>24 addition to the drug fund ledger?</p> <p>25 A No.</p>
<p style="text-align: right;">135</p> <p>1 From the city manager.</p> <p>2 Q What did the city manager tell you with</p> <p>3 respect to the SBI coming to --</p> <p>4 A He said that they had come to town,</p> <p>5 they had reviewed documentary evidence and had</p> <p>6 seen no reason to go further with it.</p> <p>7 Q That the SBI had seen no reason to go</p> <p>8 further with it; is that what --</p> <p>9 A Yes.</p> <p>10 Q That's what the city manager told you?</p> <p>11 A Yes.</p> <p>12 Q Were you told anything else concerning</p> <p>13 an investigation into the allegations raised by</p> <p>14 Ms. Iglesias --</p> <p>15 A No.</p> <p>16 Q -- concerning the chief?</p> <p>17 Did you personally review any</p> <p>18 documentation pertaining to the drug fund?</p> <p>19 A I had seen the redacted version that</p> <p>20 was requested by an outside party.</p> <p>21 Q When you say redacted version, redacted</p> <p>22 version of what?</p> <p>23 A Of the drug fund ledger.</p> <p>24 Q Had you not seen the unredacted</p> <p>25 version?</p>	<p style="text-align: right;">137</p> <p>1 Q Do you know of any changes that were</p> <p>2 made within the city with respect to the drug fund</p> <p>3 ledger following the allegations being raised?</p> <p>4 A Yeah.</p> <p>5 MS. DAVIS: And to the extent we're</p> <p>6 talking about changes that were made or</p> <p>7 disciplinary action that was taken against</p> <p>8 Chief Wolford --</p> <p>9 THE WITNESS: No. The only change</p> <p>10 that was made was that the fund was moved</p> <p>11 from the police department to the finance</p> <p>12 department at city hall.</p> <p>13 BY MS. RICE:</p> <p>14 Q Why was that done?</p> <p>15 A At the auditor's suggestion just as a</p> <p>16 good audit procedure.</p> <p>17 Q When was the fund moved to city hall?</p> <p>18 A I don't remember the date.</p> <p>19 Q Did the city manager express any</p> <p>20 concerns to you about the allegations that</p> <p>21 Ms. Iglesias had raised with respect to the drug</p> <p>22 fund?</p> <p>23 MS. DAVIS: And at this point I</p> <p>24 think we do have to go confidential.</p> <p>25 THE WITNESS: Yeah.</p>

<p style="text-align: right;">150</p> <p>1 A Almost nine years now.</p> <p>2 Q And what did you do in order to</p> <p>3 identify documents in response to the document</p> <p>4 requests that were made of you during the course</p> <p>5 of this litigation, what did you do to identify or</p> <p>6 respond to documents that --</p> <p>7 A I burned up about two copy machines. I</p> <p>8 mean, I -- is that what -- I mean, I did a lot of</p> <p>9 copying.</p> <p>10 Q How did you search for response</p> <p>11 documents?</p> <p>12 A Just things that were in the folder.</p> <p>13 Q Just the personnel file?</p> <p>14 A Yeah. I don't remember anything that I</p> <p>15 provided that was not existing in the personnel</p> <p>16 folder.</p> <p>17 Q Did you review your e-mail accounts?</p> <p>18 A Can't say that I did. I typically</p> <p>19 don't do these things on e-mail. Not typically, I</p> <p>20 don't do these kinds of things with e-mail.</p> <p>21 Q Did you review your computer to see if</p> <p>22 there were any documents that were not in the</p> <p>23 personnel file?</p> <p>24 A I did, yeah.</p> <p>25 Q Were there any documents that were</p>	<p style="text-align: right;">152</p> <p>1 (Whereupon, the reading and signing by the</p> <p>2 witness to the deposition is hereby reserved.)</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">151</p> <p>1 maintained in your computer?</p> <p>2 A None that weren't already in the file.</p> <p>3 MS. RICE: Eighty-seven, I believe.</p> <p>4 (Mr. Jenkins Deposition Exhibit</p> <p>5 No. 87 was marked for</p> <p>6 identification.)</p> <p>7 (Document handed to witness for review.)</p> <p>8 BY MS. RICE:</p> <p>9 Q Ask you to take a look at that.</p> <p>10 A Do you want me to read this entire</p> <p>11 document?</p> <p>12 Q It's -- I'd like to ask if you're</p> <p>13 familiar with this document?</p> <p>14 A I am.</p> <p>15 Q And to the best of your knowledge are</p> <p>16 the -- is the information provided therein</p> <p>17 truthful and complete?</p> <p>18 A Yes.</p> <p>19 MS. RICE: Thank you very much for</p> <p>20 your time.</p> <p>21 I don't have any further questions.</p> <p>22 THE WITNESS: Okay.</p> <p>23 MS. RICE: Thank you.</p> <p>24 (Whereupon, at 2:08 p.m., the taking</p> <p>25 of the instant deposition ceased.)</p>	<p style="text-align: right;">153</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10 _____</p> <p>11 SIGNATURE OF WITNESS</p> <p>12 SUBSCRIBED AND SWORN to before me this _____ day of</p> <p>13 _____, 2008.</p> <p>14</p> <p>15 _____</p> <p>16 NOTARY PUBLIC</p> <p>17 My Commission expires:</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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1 TRANSCRIPTION OF CORRECTIONS

2 CASE NAME: Iglesias vs. Woford, etc.

3 WITNESS NAME: Don Jenkins

4 CASE NO. 5:07-CV-00437-D

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6 PAGE LINE READS SHOULD READ

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1 CERTIFICATE OF REPORTER

2

3 STATE OF NORTH CAROLINA)
COUNTY OF WAKE)

4

5 I, VALERIE SMITH GREEN, the reporter by
6 whom the foregoing deposition was taken, do hereby
7 certify that the witness whose testimony appears in
8 the foregoing deposition was duly sworn by me; that
9 the testimony of said witness was taken by me to the
10 best of my ability and thereafter reduced to
11 typewriting under my direction; that I am neither
12 counsel for, related to, nor employed by any of the
13 parties to the action in which this deposition was
14 taken, and further that I am not a relative or
15 employee of any attorney or counsel employed by the
16 parties thereto, nor financially or otherwise
17 interested in the outcome of the action.

18 This, the 7th day of November, 2008.

19

20

VALERIE SMITH GREEN - REPORTER
Notary Public #19981560010

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